

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 815 OF 2019
WITH
INTERIM APPLICATION NO.1597 OF 2019

Halapa Birappa Dhavane	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Parth P. Shah i/b. Mr. Kamlesh Y. Mali, Advocate for Applicant.
Smt. Veera Shinde, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 2nd August, 2021.

PC. :

1. Heard Mr. Shah, learned counsel for the Applicant and Smt. Shinde, learned A.P.P. for the State. Perused record.
2. By an Order dated 3rd April, 2019 the Applicant was granted interim relief.

Record indicates that, on 27th August, 2019, the Applicant made a statement before this Court that, with a view to prove his bonafide he was ready and willing to deposit the alleged amount of Rs.21,50,000/- (Rupees Twenty One Lakhs Fifty Thousand Only) received by him from co-accused Sachin Durge, in the Registry of this Court. The said fact is recorded in the Order of even date.

By a subsequent Order dated 15th October, 2019 the period to deposit the said amount was extended by this Court.

3. Record further indicates that, in pursuance of Order dated 27th July, 2021, the Applicant has deposited balance amount of Rs.13,50,000/- in the Registry of this Court on 29th July, 2021. A note put up by the Registry supports the said contention. The allegation against the Applicant and the role attributed to him in the present crime is that, he received Rs.21,50,000/- from the principal accused Mr. Sachin Durge which was proceeds of crime. It further prima facie appears that, the Applicant has no major role to play in the present crime except receiving the said amount of Rs.21,50,000/- from the principal accused Mr. Sachin Durge.

4. The prosecution is seeking custody of Applicant predominantly on the ground for recovery of the said amount. In view of the fact that, the Applicant has now deposited the entire alleged amount received by him in the Registry of this Court, his custodial interrogation for further investigation of the present crime is not necessary and he can be protected by pre-arrest bail.

5. In view of the above, interim relief granted by Order dated 3rd April, 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6. Application is allowed in the aforesaid terms.

In view of the disposal of present Application, Interim Application No1597 of 2019 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]