

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CRIMINAL APPLICATION (APPP) No. 1104 OF 2021 IN
CRIMINAL APPLICATION (ABA) NO. 215/2019

(Anshul s/o Vikas Bhure Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.V.Khaparde, Advocate for the applicant.
Mr.S.D.Sirpurkar, APP for the non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 06-10-2021

1. Heard.
2. The applicant is seeking for withdrawal of Rs.3,15,760/- which he has deposited in this Court during pendency of Criminal Application (ABA) No. 215 of 2019. The applicant would submit that he has been discharged by the Trial Court from concerned criminal case and, therefore, there is no purpose in keeping his amount in the Court.
3. A crime was registered against the applicant, vide Crime No. 102 of 2019 with Police Station, Bhandara for offence punishable under Sections 406 and 420 of the Indian Penal Code. In apprehension of his arrest, the applicant has approached this Court for grant of pre-arrest bail. The applicant has also showed his willingness to deposit amount of Rs. 3,15,760/- with this Court to show his bonafides. Accordingly, he deposited

the said amount and ultimately, this Court has granted pre-arrest bail to the applicant.

4. In concerned Regular Criminal Case No. 479/2019, the applicant has prayed for discharge. Having regard to the material on record, the Trial Court has discharged the applicant from charged offences. In the wake of such position, the applicant would submit that now, there is nothing pending against the applicant. Hence, the amount be refunded.

5. The learned APP would submit that being dissatisfied by the order of discharge, they have already filed Revision along with application for condonation of delay. It is informed that the Sessions Court has issued notices on the application for condonation of delay, which is pending. Certainly, it will take time to decide the same. The delay application on merits if allowed, then it will take further time to decide the Revision on its own merits.

6. Having regard to these facts, the amount deposited by the applicant can be refunded, provided by taking sufficient security for return, in case of reversal of order of discharge. In view of that, I pass the following order:

Order

(i) The application stands allowed.

(ii) An amount of Rs. 3,15,760/- along with accrued interest, if any, be refunded to the applicant on his furnishing bank guarantee of the equal amount before the Registrar (Judicial) of this Court for the initial period of one year.

(iii) The applicant shall also give an undertaking that if order of discharge is reversed, in that case he would deposit the said amount of Rs. 3,15,760/- in the Trial Court.

7. Criminal Application stands disposed of in the aforesaid terms.

JUDGE

ambulkar