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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.412 OF 2022

Amitkumar Ashok Singh .. Applicant

Versus

Pawan Amar Mutreja & Anr. .. Respondents

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Mr.Vivek B. Rane for the Applicant/Intervenor.

Mr.Mahesh Vaswani with Ms.Shreya Tiwari, Ms.Priyanka Pal
and Ms.Chitra Salunkhe i/b Ms.Dharini Nagda for the
Respondent No.1.

Mr.P.H.Gaikwad, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 03rd MARCH, 2022

P.C:-

1. Interim Application No.412 of 2022 is taken out in
Anticipatory Bail Application No.2506 of 2021.

2. On 30/11/2021, the protection in favour of respondent
No.1 came to be extended by recording that by 01/12/2021,
the amount of Rs.5,00,000/- shall be deposited in the Court
and balance amount of Rs.11,50,000/- shall be deposited by
13/12/2021.

Since the said statement was not honoured, on 13/12/2021, the Court rejected the application for anticipatory bail. Subsequent to this order, on 23/01/2022, respondent No.1 came to be arrested. When he moved the application for seeking his release on bail before the JMFC, Thane, in connection with C.R.No.214 of 2021, the learned Judge passed the following order:-

“Perused the application Remand, say of IO & A.P.P. and affidavit & consent terms filed by Intervener that is informant. After perusal of CR & document it appears that Informant had allegations of fraud against present accused of Rs.16,50,000/- out of which Rs.5,00,000/- are deposited in High Court and remaining amount is paid through Demand Draft to Informant. The informant appeared before the court that he had no complaint against Accused and he has received Rs.16,50,000/- duped by Accused which can be also seen from the documents i.e. Affidavit of informant & consent terms. It appears that matter amicably settled between parties outside the court. Considering the nature of offence, affidavit & consent terms filed by Informant, I am opinion that further detention of Accused is not necessary. So far as apprehension of IO & A.P.P. is considered that can be taken care of by imposing stringent conditions. Accordingly, I proceed to pass following order.

: ORDER :

- 1) Application is hereby allowed.
- 2) Applicant/Accused-Pawan Amar Mutreja is released on PB & SB of Rs.30,000/- with one or more surety subject to following conditions :

- (a) Accused/Applicant shall not leave jurisdiction of Thane without prior permission of this Court.
- (b) Accused/Applicant shall co-operate with investigation.
- (c) Accused/Applicant shall not tamper with prosecution evidence and thereafter the witnesses.
- (d) Accused/Applicant shall submit verified copy of address proof alongwith mobile number of himself and one of his close relative.
- (d) Accused/Applicant shall attend concern P.S. every first and last Monday till filing of charge-sheet.”

3. The respondent, thus, stands released on bail as on today and the applicant has received the amount of Rs.11,50,000/- by way of two demand drafts, which is recorded by the Court in the aforesaid order.

4. By the present application, the applicant is seeking withdrawal of Rs.5,00,000/-, which was deposited in this Court on 01/12/2021. The learned counsel for the respondent, has accorded his no-objection for withdrawal of the amount, since he has already made good the balance amount to the complainant.

Since the amount was intended for the applicant and respondent No.1 is released on bail by the learned Magistrate on the ground that the parties have settled the dispute amongst them, and the dispute involves monetary transaction, the applicant is entitled for the amount of Rs.5,00,000/- which has been deposited by respondent No.1 pursuant to the order

of the Court. Necessarily, Interim Application is allowed in terms of prayer clause (a).

(SMT. BHARATI DANGRE, J.)