

rajshree`

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.380 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.708 OF 2019**

Ajit P. ramsinghani & Ors.	]	..	Applicants
IN THE MATTER BETWEEN			
Haresh Valecha	]	..	Applicant
vs.			
State of Maharashtra & Ors.	]	..	Respondents
Mr. Monty Teckchandani with Amandeep Singh for the Applicants.			
Ms.Minal Chandnani a/w Bhavesh Sawant for Respondent No.2.			
Smt.Rutuja Ambekar, APP for the State.			

CORAM : BHARATI DANGRE, J

DATE : 19th SEPTEMBER, 2022.

P.C.

1] The Applicant/accused Haresh Valecha was admitted to protection from arrest by order dated 26.03.2019 as he undertook to deposit entire amount involved in the subject CR i.e. Rs.48 Lakhs. He abided by the said undertaking and on 18.04.2019, the order dated 26.03.2019 was made absolute.

2] By the present Interim Application, withdrawal of the said amount is prayed for at the instance of persons who are said to be victims of the transaction.

3] It can be seen that five persons who are named in the complaint include one Sham Tharwani, who is not party to the Application, but today during the course of hearing he appeared before the Court. the learned APP has proved his identity through Aadhar Card and makes a statement that he is also interested in his share which is lying in this Court.

4] In the detailed order dated 06.07.2022 I have referred to the entire transaction and noted that the complainant Hira Harisinghani who was an employee of Haresh Valecha had reported that his employer had opened an account in his name which he never operated. He noticed that certain cheques issued from the said account have dishonoured and he realised that it was his employer Haresh Valecha who was operating the account and cheques were issued in the name of five distinct persons.

5] The complainant who was directed to remain present in the Court, is present today. He states that he has no objection if they are permitted to withdraw the said amount which was due and payable to them. Their names also appear in the complaint. Mr. Sham Tharwani who is present in the Court is also ready to accept his share of the amount. The complaint specifically mentions the names of the victims and the amount due and payable to each of them, as surfaced through their statements recorded by the Investigating Officer.

6] In the wake of above, the complainant has also accorded no objection for withdrawal of the amount by the victims whose names find place in the complaint.

In view of this, let the Investigating Officer prepare a statement about amount due and payable to each of the victim and submit it to the Registry within a period of one week from today.

Upon receipt of the said statement, the Registry shall act upon the same and permit withdrawal of the amount which is lying in the Court by the five victims whose names have been mentioned in the complaint, on establishing their identity.

7] With the above-said directions, Interim Application is made absolute.

[BHARATI DANGRE, J]