

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.445 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1390 OF 2019**

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RAVI BALAVANTRAI MEHTA ..APPLICANT
VS.
KALPESH NARESH PANDYA AND ANR. ..RESPONDENTS

Mr. Amit A. Gharte for applicant/original complainant.
Ms. P. N. Dabholkar, APP for State.
Dighe, PSI, L. T. Marg Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2022.

P.C. :

1. Heard learned counsel for the original complainant.
2. This is an application filed by the original complainant in the Anticipatory Bail Application filed by the accused- Kalpesh Naresh Pandya, which was disposed of by this Court by an order dated 23/07/2019 after recording an undertaking that an amount of Rs.16,00,000/- will be deposited by Kalpesh Naresh Pandya, respondent no.1 herein. Accordingly, an amount of RS.16,00,000/- was

deposited by the accused. This is an application for withdrawal of the amount of Rs.16,00,000/- by the complainant. The respondent No.1 herein i.e. Kalpesh is not present, though he has been duly served. The case relates to the allegation made by the complainant that Kalpesh while working as an Accountant misappropriated the Company's funds and transferred an amount of Rs.38,22,064/- to his own account from the current account of the complainant's company under the guise of paying TDS, stamp duty processing charges and salaries of the employees. The amount has been deposited which according to the complainant belongs to them. As the respondent No.1 is not represented though he is duly served, having regard to the reasons mentioned in the application, the application deserves to be allowed.

3. The application is allowed in terms of prayer clause (a) subject to the undertaking to be filed before this Court that in the event the complainant is directed to return back the amount of Rs.16,00,000/- along with accrued interest, the same will be deposited forthwith. Let the undertaking be

filed before the amount is withdrawn, whereafter, the applicant will be permitted to withdraw the said amount.

4. The interim application is disposed of.

(M. S. KARNIK, J.)