

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.309 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 973 OF 2018
(corrected as per order dt.20/9/2022)

Suresh Parmar .. Applicant/Orig.Complainant
In the matter of
Siddharth Vasant Dhanu Applicant/Accused
Versus
The State of Maharashtra & Anr .. Respondents

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Mr. Kapil Dave for the applicant in APPP 309/2019
Mr.Karan Singh Rajput with Inderpal B. Singh and Devyani
Chemburkar for the applicant.
Ms.P.N. Dabholkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 23rd AUGUST 2022

P.C:-

1 By the present application, the applicant (complainant) seek withdrawal of Rs.10 lakhs deposited by the accused in ABA No.973/2018.

2 Heard learned counsel for the applicant and learned counsel for the original accused.

3 On 11/5/2018, a categorical statement was made that the applicant will arrange for the amount mentioned in the complaint in respect of which the FIR has been registered and he was directed to be released on ad-interim Anticipatory Bail,

subject to deposit of Rs.One lakh within a period of one week. He abided by the said order.

On 7/6/2018, the counsel for the applicant tendered a schedule of payment mentioning that he shall deposit an amount of Rs.47 lakhs on or before 28/6/2018.

The aforesaid statement was accepted as an undertaking to the Court.

However, there was failure to abide by the said undertaking. Resultantly, on 30/7/2018, interim relief granted in favour of the applicant was vacated and on the consequences, the application was dismissed.

5 It is informed that pursuant to the said order being passed, the accused surrendered before the Court.

6 On perusal of the application, withdrawal of the sum of Rs.10 lakhs which is deposited in the Registry of this Court, is prayed for, I see no hesitancy in permitting the said withdrawal since the accused himself had deposited a sum of Rs.47 lakhs by giving a schedule of payment and this was agreed to be deposited, subject to his rights and contentions.

7 Since the amount of Rs.10 lakhs form part of the agreed amount which was undertaken to be deposited by the accused, but there was a failure, the application deserve to be allowed by permitting the applicant (complainant) to withdraw the said amount with accrued interest.

8 Application is disposed off.

(SMT. BHARATI DANGRE, J.)