

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2524 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1250 OF 2022

Riyaz Ahmed Bhati .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Vivek Arote with Mr.Piyush Toshniwal for the intervenor/
applicant.

Mr. Vijay Upadhyay for respondent no.2.

CORAM: BHARATI DANGRE, J.

DATED : 1st AUGUST, 2022

P.C:-

1 On 6/6/2022, the applicant filed an affidavit, stating that he shall deposit an amount of Rs.10,85,000/- received by him from the complainant by cheque. The affidavit stated that the deposit is without prejudice to the rights and contentions, but a statement was made that the applicant has no objection if the amount is paid to the complainant.

2 Accordingly, on 6/5/2022, the Court passed the ad-interim order, which mention thus :-

“(c) The Applicant shall deposit an amount of Rs.10,85,000/- before this Court within a period of one week and produce the receipt before the Investigating

Officer. Upon deposit of the amount, Registry to pay the amount of Rs.10,85,000/- to the complainant”

3 Subsequently, the application was rejected since it was held that the custodial interrogation of the applicant was necessary.

In the wake of above, it cannot be said that the complainant is not entitled to the said amount, which was received by the applicant. The applicant had filed an affidavit, stating that he shall deposit an amount of Rs.10,85,000/- and a statement was made that he has no objection if the amount is paid through the complainant.

Based on the aforesaid statement on 6/5/2022, the Registry was directed to pay the amount to the complainant.

4 The applicant is now dragging his feet and opposed it's withdrawal. In my opinion, the said course is not available to him, since merely because his ABA is rejected, on account of his failure to abide by the condition of co-operating in the investigation, when the amount was deposited as a part of the ransom, the complainant cannot be denied the said amount.

5 Necessarily, IA No. 2525/2022 is allowed in terms of prayer clause (a).

(SMT. BHARATI DANGRE, J.)