

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.263 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 2358 of 2018

Sajid Shakir Ali

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr. Vikas G. Saindane for the applicant.

Mr.P.H. Gaikwad, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 11th MARCH, 2022

P.C:-

1 By the present application, the applicant husband seeking remittance of an amount of Rs.55,000/- lying with the Investigating Officer in terms of the order dated 4/12/2018 which read as under :-

“1. On 19th November 2018, the application was adjourned so as to enable the learned counsel for the applicant to make a statement as to whether applicant is ready and willing to deposit the amount of Rs.55,000/- to the Investigating Officer. Learned counsel for the applicant on instruction submits that the applicant is willing to deposit the said amount of Rs.55,000/- with the Investigating Officer today. The applicant shall deposit

the said amount of Rs.55,000/- by way of demand draft to be issued in the name of Senior Police Inspector of the Kurla Police Station and the same shall be deposited in the present case in appropriate account. The demand draft be handed over to the Investigating Officer within two days”.

2 In the wake of the aforesaid order, the applicant was protected from arrest in connection with C.R.No. 313/2018 registered with Kurla police station by his wife.

This order has been confirmed on 26/6/2019 by recording that the custodial interrogation of the applicant is not necessary.

3 Pursuant to the aforesaid order, the parties reached a compromise before the Metropolitan Magistrate, where the D.V. proceedings were filed by the wife and the consent terms were placed before the Court under signature of the applicant and the respondents on 11/9/2019.

The consent terms in paragraph no.5 record the following understanding between the parties.

“It is also agreed and declared by Applicant that in view of this settlement/compromise, respondent no.1 shall be entitled to the sum of Rs.55,000/- which he deposited with Kurla Police Station in view of the direction of the Hon’ble High Court and which is still lying with it. It is declared by the applicant that she will not claim any entitlement over the said amount. Respondent no.1 is absolutely entitled to said amount.

After filing of these consent terms, the respondent no.1 shall apply to the Kurla police station for withdrawal of said amount of Rs.55,000/-. If required, the respondent no.1 shall also apply to the Hon'ble High Court or before competent court for entitlement/receiving of the said amount to which, if required, the applicant herein shall give consent and co-operation by filing necessary say in the form of an Affidavit or other proceedings whereby giving "No Objection" for receiving and entitlement of said amount to the respondent no.1 herein".

4 In the wake of the above, since the applicant husband is held entitled for the sum of Rs.55,000/- which is disputed by the Investigating Officer in terms of the understanding arrived between the parties, the applicant shall approach the Sr. P.I of Kurla police station and prefer an application, seeking the amount of Rs.55,000/- which is lying with the Investigating Officer.

The Investigating Officer is directed to pay the aforesaid amount to the applicant by demand draft. The exercise shall be undertaken within a period of one week from today.

SMT. BHARATI DANGRE, J