

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

INTERIM APPLICATION NO.837 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO. 1340 OF 2017

Sandip Kashaba Arkad ...Applicant

Versus

The State of Maharashtra and Others ...Respondent

Mr. Sudip Mallick with Harshad E. Palwe, for Applicant.

Smt. A. A. Takalkar, APP for State.

None present for Respondent No. 2.

Mr. Dhulgande, PSI, Khargar Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 6th DECEMBER, 2023

P.C.:-

- 1) Heard the learned Counsel for the applicant.
- 2) None appears for the respondent No. 2.
- 3) An affidavit of service is filed on behalf of the applicant.
- 4) By this application, the applicant seeks refund of an amount of Rs.1,00,000/-, which was deposited by the applicant

pursuant to an order dated 11th August, 2017 passed by this Court in ABA No.1340 of 2017.

5) It is averred that in R.C.C. No. 770 of 2018 arising out of CR No. 164 of 2017, the applicant and the co-accused came to be acquitted.

6) I have perused the copy of the judgment and order passed by the learned J.M.F.C., Panvel on 5th October, 2019. The applicant and the co-accused have been acquitted of the offences punishable under Sections 498A, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

7) This Court had ordered the release of the applicant on pre-arrest bail on subject to the condition of depositing of Rs.1,00,000/- as price of Stridhan of the first informant. In the judgment in R.C.C. No.770 of 2018, the learned Magistrate has, *inter alia*, recorded that the applicant and the co-accused had not committed breach of trust qua the property of the first informant. As the applicant has been acquitted of the offences in CR No. .164 of 2017 in which the applicant was directed to make the deposit, there is no reason to continue to have the amount deposited with this Court.

8) Hence, the following order.

ORDER

- I) The application is allowed.
- II) The amount of Rs.1,00,000/- deposited by the applicant in this Court pursuant to an order dated 11th August, 2017 in ABA No.1340 of 2017 arising out of CR No.164 of 2017 registered with Kharghar Police Station, be refunded to the applicant along with interest accrued thereon on proper identification and subject to an undertaking that the applicant would bring back the said amount, if ordered by any Court.
- III) Application stands disposed.

[N. J. JAMADAR, J.]