

AGK

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

**INTERIM APPLICATION NO.3611 OF 2022
IN
BAIL APPLICATION NO.1872 OF 2022**

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Suchita Baburav Chavan	... Applicant
In the matter between	
Suryakant Shantaram Chavan	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Virendra V. Pethe for the applicant in
IA/3611/2022.

Mr. Vikas Shivarkar for the petitioner in
WP/2637/2023 & applicant in BA/1872/2022.

Mr. P.H. Gaikwad, APP for respondent No.1/State.

Mr. Harshal Suryawanshi for applicant in
IA/3493/2022.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2023

PG.:

1. The interim application seeks withdrawal of Rs.22 lakh deposited in furtherance of order dated 27 June 2022. According to the applicant, Rs.22 lakh were paid to the accused. This Court while releasing the applicant on bail by order dated 27 June 2022 directed the applicant to deposit Rs.11 lakh and to file undertaking to deposit balance amount. Accordingly, the accused has deposited Rs.22 lakh.

2. The applicant is, therefore, seeking permission to withdraw the amount of Rs.22 lakh.
3. Learned advocate for the applicant in bail application objects to grant such permission on the ground that Criminal Writ Petition No.2637 of 2023 is pending before this Court and no objection for quashing the complaint by the applicant is necessary. Without such no objection, the applicant cannot be permitted to withdraw the amount.
4. In my view, parameters for adjudication of application seeking withdrawal of amount are independent of the parameters of quashing the proceedings. Both operate in independent sphere. Prima facie, it appears that the applicant has paid Rs.22 lakh to the accused. Therefore, in my view, in view of operative part of order dated 27 June 2022 the applicant has made out a case for permission to withdraw the amount.
5. The interim application is allowed in terms of prayer clause (a). No costs.
6. Amount of Rs.22 lakh shall be paid to the applicant/Suchita Baburav Chavan along with accrued interest, if any.

(AMIT BORKAR, J.)