

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3857 OF 2023
IN
CRIMINAL BAIL APPLICATION NO. 1697 OF 2019

Nirmal Gagubhai ChhadwaApplicant
Versus
The State of Maharashtra & Anr.Respondents

Ms. Chaitra Rao, Advocate for the Applicant.
Mr. Ajay Patil, APP for Respondent No.1/State.
Ms. Sheetal Shah, Advocate a/w. Mr. Sanjay M., Advocate i/b. M/s.
Mehta & Girdharlal for Respondent No.2.

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CORAM : G. A. SANAP, J.

DATE : 6th NOVEMBER, 2023.

P.C. :

1. Heard learned advocate for the applicant, learned APP for the State and learned advocate for respondent No.2. Perused the record and proceedings.
2. This is an application made by Nirmal Gagubhai Chhadwa, who was the accused No.1 in Crime No.121/2019, registered with Chembur Police Station, Mumbai for withdrawal of the amount of Rs.1,55,00,000/- (Rs. One Crore Fifty Five Lakhs) with accrued

interest. This amount was deposited pursuant to the order passed by this Court dated 3rd July, 2019 (Coram : Revati Mohite Dere, J.) in bail application, being a condition for release of the accused No.1 on bail.

3. Learned advocate for the applicant and learned advocate for the original complainant/informant submit that the dispute between the parties has been amicably settled. In Commercial Suit No.194/2021, the parties had filed the consent terms and in view of the consent terms. The suit has been disposed of. It is pointed out that as per the consent terms, the accused Nos.1 and 2 have been granted liberty to withdraw this amount. The accused No.2 is the wife of accused No.1. It is pointed out that this amount was deposited by accused No.1. It is pointed out that in Writ Petition No.3286/2023 *vide* order dated 3rd October, 2023 (Coram : A.S. Gadkari and Sharmila U. Deshmukh, JJ.), the FIR has been quashed.

4. It appears that the dispute between the parties has been amicably settled. Applicant/accused No.1 is, therefore, entitled to withdraw the amount. Accordingly, the application is **allowed**. Applicant/accused No.1 is allowed to withdraw the amount of

Rs.1,55,00,000/- (Rs. One Crore Fifty Five Lakhs Only) with accrued interest. The amount of Rs.1,55,00,000/- (Rs. One Crore Fifty Five Lakhs Only) with accrued interest be paid to him.

5. The application is disposed of accordingly.

(G. A. SANAP, J.)