



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4609 OF 2022
IN
CRIMINAL APPLICATION NO. 380 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 708 OF 2019

Ajit P. Ramsinghania and ors.	...Applicants
In the matter between	
Haresh Valecha	...Applicant
Versus	
State of Maharashtra and ors.	...Respondents

Mr. Amardeep Singh Bolle, for the Applicants.
Smt. Ashwini Takalkar, APP for the State/Respondent.
Ms. Minal Chandnani, for Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATED: 3rd October, 2023

ORDER:-

1. Heard the learned Counsel for respondent No.1 – applicant in ABA/708/2019 and the learned APP for the State.
2. This application is for refund of the interest which had accrued on the amount of Rs.48,00,000/- which was deposited by respondent No.2 – applicant pursuant to the order passed by this Court on 26th March, 2019, on or about 12th April, 2019.

3. A Memo of Understanding (MoU) was executed by and between the applicants and respondent No.1 - accused under which the parties agreed that the amount of Rs.48,00,000/- deposited by respondent No.1 be paid to the applicant. Subsequently, by an order dated 19th September, 2023, this Court permitted the applicant to withdraw the amount which was deposited by respondent No.1 – accused.

4. The learned Counsel for respondent No.2 submitted that if the MoU dated 10th February, 2022 especially clause (4) thereof is considered, the entitlement of the applicant is to the amount of Rs.48,00,000/- only.

5. Evidently, the amount was deposited in the year 2019. It seems that the parties amicably resolved the dispute and it was *inter alia* agreed that a sum of Rs.48,00,000/- be paid to the applicants, who are stated to be the victims. No provision for the payment of the interest which had accrued on the said amount appear to have been made in the said MoU.

6. In the circumstances, since the said amount of Rs.48,00,000/- deposited by respondent No.1 – accused was to secure the interest of the victims, it may be expedient to allow the applicants – victims to withdraw the amount of interest as well, subject to furnishing an undertaking that, in

the event the competent court orders the victims – applicants to bring back the said amount, they would do so alongwith such interest as may be directed.

7. Hence, the following order.

: O R D E R :

- (i) Application stands allowed.
- (ii) The Registry shall pay interest accrued on the amount of Rs.48,00,000/- to the applicants – victims upon furnishing an undertaking that they will bring back the said amount on such terms and conditions as the competent court may impose.

[N. J. JAMADAR, J.]