



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO.1031 OF 2023
IN
CRIMINAL APPLICATION (ABA) NO.685 OF 2021 (D)

Manjusha Kusumkar Patil

Vs.

State of Maharashtra, Through PSO PS, Sadar, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhay Sambre, Advocate for applicant.

Mr. I. J. Damle, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

RESERVED ON : 04/08/2023

PRONOUNCED ON :19/08/2023

1. The present application is for withdrawal of amount and for appropriate orders.

2. As per the contention of the present applicant, she had filed anticipatory bail application bearing No.685/2021 for grant of anticipatory bail in Crime No.379/2021 registered with Police Station, Sadar, District Nagpur for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code. To show the *bonafide*, the applicant has deposited an amount of Rs.5,00,000/- vide Demand Draft No.509193 dated 22/10/2021 drawn on State Bank of India in pursuance to the order dated 14.10.2021. This Court has granted the anticipatory bail to the present applicant. It is submitted that this Court has permitted the co-accused i.e. father-in-law of the present applicant to withdraw the similar deposits deposited to

show bonafides and the present applicant be permitted to withdraw the said amount.

3. The said application is strongly opposed by the State on the ground that it was a precondition while releasing the present applicant on bail and therefore, applicant is not entitled for the amount deposited and prays for rejection of the application.

4. Having heard learned Counsel Mr. Sambre for the applicant and learned APP Mr. Damle, for the respondent/State. Perused the application and the order dated 14.10.2021. The observation of this Court in the order dated 14.10.2021 that considering the allegations against the present applicant, the present applicant to show *bonafides*, shown her willingness to deposit Rs.5,00,000/- in this Court within two weeks and accordingly, an amount of Rs.5,00,000/- was deposited. The said interim order is confirmed by this Court by passing common order on 29.03.2022, wherein it is specifically observed by this Court that looking to the allegations made against the accused and the *modus operandi* of the accused in all these matters, it is not relevant that how much amount the applicants have deposited in this Court to show *bonafides*, particularly, when this Court has come to the conclusion that the custodial interrogation is necessary. This Court further observed that as far as the Criminal Application No.489/2021 and Criminal Application 685/2021 are concerned, they are released on bail as the applicant No.1 has recently delivered a child and applicant No.2, who is a lady of the

advanced age therefore, this case needs to be considered on different footing than the case of the other applicants. Thus, this Court has observed that the material available during the investigation shows the involvement of the present applicant but merely because present applicant is a lady she was released on bail. The further observation of this Court shows that it is not relevant that how much amount the applicants have deposited in this Court to show *bonafides*. Thus, the amount deposited by the present applicant to show her *bonafide*, it was a condition for bail. In view of that, the present applicant is not entitled to receive the said amount at this stage. In view of that, application deserves to be rejected.

5. The application is rejected.

(URMILA JOSHI-PHALKE, J.)