



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

CRIMINAL APPLICATION (APPP) NO.1033 OF 2023
IN
CRIMINAL APPLICATION (ABA) NO.489 OF 2021 (D)

Manjusha Kusumkar Patil and another

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 applicants, they had filed anticipatory bail application bearing No.489/2021 for grant of anticipatory bail in Crime No.293/2021 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 applicants have deposited an amount of Rs.5,00,000/- each, vide Cheque No.000017 dated 09/08/2021 by applicant No.1 and Cheque No.094714 dated 09/08/2021 by the applicant No.2, in pursuance to the order dated 05/08/2021. This Court has granted the anticipatory bail to the present applicants. It is submitted that the present applicants 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 applicants on bail and therefore, applicants are 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 05.08.2021. The observation of this Court in the order dated 05.08.2021 that considering the allegations against the present applicants, the present applicants to show their *bonafides*, shown their willingness to deposit Rs.5,00,000/- each in this Court within two weeks and accordingly, an amount of Rs.5,00,000/- each 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 accused.

5. Thus, this Court has observed that the material available during the investigation shows the involvement of the present applicants, but merely because present applicants were ladies, they were 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 applicants to show their *bonafides*, it was a condition for bail. In view of that, the present applicants are not entitled to receive the said amount at this stage. In view of that, application deserves to be rejected.

6. The application is rejected.

(URMILA JOSHI-PHALKE, J.)