

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3241 OF 2023

Mahesh Kumar Purnashankar Sharma ...Applicant

vs.

The Senior Police Inspector
Vasai Police Station – Palghar and Ors. ...Respondents

Mr.Swapnil Wagh a/w Ms.Vinita Dandekar and Mr.Omkar Bangar –
Advocate for Applicant.

Mr.H.J.Dedhia – APP for Respondent – State.

Mr.Vaibhav Jagtap – API – Vasai Police Station present.

CORAM : S. M. MODAK, J.

DATE : 7th FEBRUARY 2024

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP. The Officer from Vasai Police Station is present.
2. Charge-sheet is already filed before the concerned Court. It is true that this Court has granted an interim protection from arrest as per the order dated 10th November, 2023.
3. There was a condition to deposit Rs.5,00,000/- (Rupees Five Lakhs Only) before the Court of JMFC – Vasai. This condition is complied with. Even attendance condition is complied with.

4. Learned APP submitted that there are two victims and their statements are recorded and as per their statements, they have paid the amount much higher than Rs.5,00,000/-. Admittedly, recovery of money is not the motto for filing of FIR. Filing of charge-sheet indicates completion of investigation. Now, custodial interrogation is not required. The issue as to how the amount is to be dealt with, it is to be left open for the learned JMFC.

5. In view of that, following order is passed :-

ORDER

- (i) An interim order dated 10th November, 2023 is confirmed.
 - (ii) Let the Court of JMFC – Vasai to deal with the issue of refund of amount of Rs.5,00,000/- at an appropriate time.
 - (iii) If any of the victims will appear along with the application, learned JMFC is at liberty to deal with their request on the basis of merits after hearing the Applicant-Accused.
6. Hence, Application is disposed of.

[S. M. MODAK, J.]