

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.16 OF 2024

Sanjay Vyankatesh Modgi

...Applicant

NIKITA
KAILAS
DARADE

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NIKITA KAILAS
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versus

The State of Maharashtra Through
Senior Police Inspector and Ors.

.... Respondents

Mr. Tanmay T. Jadhav a/w Nikhilesh D. Pote for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JANUARY 2024

P.C. :

1. This is an application with two prayers, first is for setting aside the order dated 28th November 2023, passed by the Sessions Court Pune in Anticipatory Bail Application No.7039 of 2023 and the second prayer is for permitting the Applicant to withdraw the amount, if any, deposited by the Respondent No.2. The matter pertains to C.R.No.761 of 2023 registered at Chaturshrungi Police Station under Section 409 and 420 of the IPC and under Section 3 of the Maharashtra Protection of

Interest of Depositors Act 1999. By the impugned order, the learned additional Sessions Judge had granted anticipatory bail on certain conditions. The Applicant therein i.e. the Respondent No.2 before this Court had to deposit certain amount taken from the investors. The accused did not deposit that amount and filed application for extension of time. That application was rejected by the additional Sessions Judge Pune, vide order dated 1st January 2024 and observed that since the amount was not deposited, the bail stood cancelled automatically.

2. Learned APP pointed out that the Respondent No.2 had preferred anticipatory bail application No,72 of 2024 before this Court which was rejected by the order dated 12th January 2024. Thus, as of today the Respondent No.2 is not granted the relief in the nature of anticipatory bail. Therefore, prayer (a) has become infructuous. Similarly, the second prayer for withdrawal of the amount does not survive because the Respondent No.2 has not deposited any amount. Therefore, in the circumstances nothing survives in this application.

3. Learned counsel for the Applicant prays for withdrawal

of this application.

4. In these circumstances, the permission is granted.
5. The Criminal Application is permitted to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)