



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.1211 OF 2024

IN

CRIMINAL APPLICATION NO.808 OF 2024

IN

CRIMINAL APPLICATION (BA) NO.364 OF 2022

(Smt. Vimladevi Premasukhdas Rathi and ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.D. Bhate, Advocate for the applicants.
Ms S. Dhote, APP for the State.
Mr. A. Dharmadhikari, Advocate for intervenor.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 14, 2024

Heard.

2. By this application, the original complainant is seeking intervention in the application filed by the accused through his legal heirs namely Vimladevi Premasukhdas Rathi and others.

3. The other side has raised no objection and in view of the reasons mentioned in the application the application for intervention is allowed. The complainant is permitted to intervene in the application.

4. The application is allowed and disposed of accordingly.

CRIMINAL APPLICATION NO.808 OF 2024

By this application, the legal heirs of the original accused namely Pradipkumar Premasukhdas Rathi

are seeking refund of the amount deposited as one of the conditions of bail. It is contended that on the basis of complaint lodged by the complainant Smt. Anju Lovekesh Soni resident of Khamgaon and crime was registered against the original accused under Sections 255, 260, 420, 423, 465, 468, 471, 472 and 475 of the Indian Penal Code and Section 65D of the IT Act vide Crime No.46 of 2021. During the investigation, the original accused has filed an application for grant of bail. As per the allegations against the original accused that he was involved in a forgery of the documents and thereby the complainant was duped. The original accused has shown his readiness to deposit Rs.20,00,000/- to show his bonafides and accordingly he has deposited the same.

2. Learned Counsel for the legal heirs of the original accused submitted that now the original accused is reported to be and the proceedings against him is already abated. In view of that, the legal heirs be permitted to withdraw the said amount or said amount be refunded to them.

3. The application is strongly opposed by the learned APP and learned Counsel for the intervenor on the ground that the depositing of the amount was not as a bail condition but it was as a security. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the order passed by this Court while releasing the original accused on bail. The reasons mentioned while releasing the original accused on bail shows that it was the applicant who has shown his willingness to deposit the amount of Rs.20,00,000/-, and therefore, he was permitted to deposit the said amount. As far as the contention of the learned Counsel for the applicant is concerned, the amount was deposited as a bail condition, it was not at all a bail condition but it was deposited towards the security. Admittedly, the interest of the complainant is invested in it and she can claim the said amount by filing the appropriate proceeding. The amount was deposited willingly by the original accused to secure the interest of the complainant. In view of that, the application deserves to be rejected.

5. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)