



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 12 OF 2025
IN APPLN/3048/2013**

Shivraj Parappa Gunjkar
Age: 44 years, Occu.: Agri.,
R/o. Shirad, Tq.Hadgaon,
Dist.Nanded.

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through Mukhed Police Station,
Mukhed, Tq.Mukhed, Dist.Nanded.

.....Respondent

.....

Advocate for Applicant : Mr.Vaibhav B. Dhage
APP for Respondent : Ms.Anuradha Mantri

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 20-02-2025

ORDER :

1. Instant application is preferred by the applicant / original accused challenging order dated 06-08-2024 passed by the learned Judicial Magistrate First Class, Mukhed, Dist.Nanded, thereby rejecting application exh.82 for withdrawal of amount, which was deposited by the applicant in the trial Court as per directions of this Court by order dated 23-07-2023 while granting bail.

2. The applicant was working with the Bhartiya Samruddhi Finance Company. He was arrested in the crime no.5 of 2013 on the allegations of misappropriation of the amount. After investigation, he came to be chargesheeted for the offence punishable under Sections 420, 467, 471 and 472 of the Indian Penal Code.

During pendency of the above case, applicant preferred application for bail in this Court and vide order dated 23-07-2013, he came to be released on bail on the P.B. and S.B. of Rs.15,000/- and on the condition that he shall deposit Rs.2,00,000/- in the trial Court. Accordingly, applicant has deposited said amount in the trial Court.

After completion of trial, learned trial Court acquitted applicant from the aforesaid charges by order dated 11-03-2024. Thereafter, applicant filed application exh.82 in the trial Court seeking permission to withdraw Rs.2,00,000/- deposited by him at the time of grant of bail. The said application exh.82 came to be rejected by the learned trial Court vide its order dated 06-08-2024 stating that it is not clear as to whether said amount of Rs.2,00,000/- was ordered to be taken as cash surety.

The aforesaid order of the learned trial Court dated 06-08-2024 is now challenged by the applicant and he prays for

refund of Rs.2,00,000/- alongwith interest accrued thereon.

3. Learned counsel for the applicant submitted that the amount of Rs.2,00,000/- was deposited in the learned trial Court at the time of grant of bail. That, as the applicant is now acquitted from the aforesaid charge, it is not ideal to keep the said amount lying in the trial Court. That, appeal period is already over. That, applicant is in need of money. For the aforesaid reasons, learned counsel seeks permission to withdraw the amount.

4. Learned APP objected for withdrawal of the amount. However, he concedes that applicant is acquitted from the charge levelled against him.

5. Taking into consideration the fact that the aforesaid amount of Rs.2,00,000/- was directed to be deposited in the trial Court at the time of grant of bail and now, the applicant is acquitted from the charge levelled against him, application deserves to be allowed. Hence, following order :

ORDER

(I) Criminal Application No.12 of 2025 is allowed.

(II) The order passed below exh.82 by the learned Judicial Magistrate First Class, Mukhed, District Nanded dated 06-08-2024, is hereby quashed and set aside.

(III) Applicant is permitted to withdraw the amount of Rs.2,00,000/- alongwith interest accrued thereon, if any.

(ABHAY S. WAGHWASE)
JUDGE