



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1646 OF 2025
IN APPLN/4137/2016

Abhijit Arunrao Kulkarni

VERSUS

The State Of Maharashtra And Another

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- Mr. S. P. Telgote, Advocate for Applicant
- Mr. R. K. Ingole, APP for Respondent No. 1 - State
- Mr. C. V. Thombre, Advocate for Respondent No. 2 - Complainant

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CORAM : MEHROZ K. PATHAN, J.

DATED : 05.12.2025

PER COURT :

1. The applicant has approached this Court seeking withdrawal of the amount deposited before this Court pursuant to the order dated 05.08.2016 passed by this Court in Criminal Bail Application No. 4137 of 2016, wherein this Court observed as under:-

6. Having bestowed thoughts to the submissions made and having regard to the fact that the applicant volunteered to deposit an amount of Rs.5,00,000/ (Rs. Five Lakh) in this Court within a period of six (6) weeks from today and as such, the custodial interrogation of the applicant is over, the applicant, in my opinion, is entitled to be released on regular bail.

2. Learned counsel for the applicant submits that the applicant has been acquitted of the charges after completion of trial. It is further submitted that the dispute between the applicant and the

complainant arose out of certain financial transactions and the same was amicably settled between them. Accordingly, the learned Trial Court, vide judgment dated 30.09.2025, acquitted the applicant of the offences punishable under Sections 406, 408 and 420 of the Indian Penal Code in RCC Case No. 2651 of 2016, arising out of Crime No. 207 of 2016 registered with MIDC, CIDCO Police Station, District – Chhatrapati Sambhajnagar. A copy of the judgment dated 30.09.2025 is tendered at the Bar. The same is taken on record and marked as 'X' for identification purposes. It is further submitted that though the present application was filed prior to the delivery of the judgment, since the trial is now concluded and the applicant stands acquitted, the applicant be permitted to withdraw the amount deposited before this Court.

3. Learned counsel for the complainant, Mr. Thombre, though admitting the amicable settlement between the parties, submitted that certain costs may be imposed upon the applicant, as the complainant had to undergo economic hardship and was constrained to approach the police machinery and the Courts on account of the alleged cheating. He therefore submits that while permitting withdrawal of the amount, costs may be directed to be paid by the applicant to the High Court Bar Association Library.

4. Learned APP also confirms that the applicant has been acquitted by the learned Trial Court of the charges referred to hereinabove.

5. Perusal of the order dated 05.08.2016 would show that this Court had allowed the bail application, as the applicant had shown his bona fide by voluntarily depositing an amount of Rs. 5,00,000/- (Rupees Five Lakhs) during the course of hearing of the bail

application. Taking into consideration the said bona fide act on the part of the applicant, this Court was pleased to grant regular bail to the applicant in connection with Crime No. 207 of 2016.

6. In the present case, the trial has already been completed and the applicant has been acquitted of the offences punishable under Sections 406, 408 and 420 of the Indian Penal Code by judgment dated 30.09.2025. In view thereof, I am inclined to permit the applicant to withdraw the amount of Rs. 5,00,000/- deposited before this Court pursuant to the order dated 05.08.2016, however, subject to the conditions mentioned hereinafter.

7. Hence, the following order :-

ORDER

A) The application is allowed.

B) The applicant – Abhijit Arunrao Kulkarni is permitted to withdraw the amount of Rs.5,00,000/- deposited by him before this Court, subject to deposit of costs of Rs.10,000/- to the High Court Bar Association Library.

8. The Criminal Application is disposed of in the aforesaid terms.

(MEHROZ K. PATHAN, J.)