



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

**CRIMINAL APPLICATION NO. 2626 OF 2024
IN APPLN/3602/2016**

Yogirao Nivrutti Gawandi

.. Applicant

Versus

The State Of Maharashtra

.. Respondent

Mr. V. D. Gunale, Advocate for the Applicant.
Smt. A. S. Deshmukh, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 11th JULY, 2025.

PER COURT :-

. Heard learned advocate for the applicant and learned A.P.P. for the State.

2. This application is filed seeking withdrawal of an amount of Rs. 7,00,000/- (Rs. Seven Lakh only) deposited by the present applicant in the office of this Court. The applicant had approached this Court by filing Criminal Application No. 3602/2016 seeking bail in connection with R.C.C. No. 49/2023 (new number before the learned J.M.F.C., Mahur) (R.C.C. No. 64/2011 – old number). This Court while passing the order dated

27.07.2016 directed the present applicant to deposit an amount of Rs. 7,00,000/- (Rs. Seven Lakh only) in the office of this Court within two weeks. Subject to that, the application of the applicant was allowed granting relief of bail in the event of his arrest in connection with Crime No. 25/2016 on certain conditions. The applicant deposited the said amount in the office of this Court and the same is presently lying with the office. The applicant has now approached this Court seeking withdrawal of the amount since now the applicant is acquitted by the learned J.M.F.C., Mahur in R.C.C. No. 49/2023. It is the case of the applicant that, he is acquitted since 10.05.2025. He is entitled to withdraw the amount deposited in this Court.

3. The learned advocate for the applicant submits that, the amount was deposited only to test the bonafides and to secure the amount that was allegedly taken in excess by the applicant. The purpose of depositing the amount is now over as the applicant is acquitted of the offence which clearly shows that the amount taken by the applicant was not in excess and he was entitled to receive the said amount. He, therefore, prays for allowing the application.

4. The learned A.P.P. vehemently opposes the application. She submits that, against the said judgment of acquittal, the State may file an appeal. In case, appeal is filed and is allowed by this Court, it would be clear that, the amount lying with the Court is an amount to which the applicant is not entitled to. She thus prays for rejection of the application.

5. It is clear from the order passed by this Court in Criminal Application No. 3602/2016 that the amount was directed to be deposited to test the bonafides at the stage of grant of anticipatory bail. Now, since the applicant is acquitted, no purpose would be served by keeping the amount idle in the office of this Court. As of now it is not clear as to whether any appeal is filed against the acquittal. Even if it is filed, it will take its own time to get it decided. No purpose would be served by keeping the amount idle in the Court. Sufficient care can be taken while allowing the applicant to withdraw the amount. Hence, following order.

ORDER

(I) Criminal application stands allowed.

(II) The applicant is permitted to withdraw an amount of

Rs. 7,00,000/- (Rs. Seven Lakh only) deposited in the office of this Court pursuant to order passed in Criminal Application No. 3602/2016 along with accrued interest.

(III) The applicant shall file an undertaking that, in case, appeal against acquittal is filed and the acquittal is set aside, he shall re-deposit the amount along with interest within four weeks from the date of such judgment.

(IV) With this, criminal application stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.