



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4517 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 783 OF 2025

XYZ
VERSUS
The State Of Maharashtra

...

- Mr. U. R. Mirza, Advocate for the applicant - Victim
- Mr. AAA Khan, APP for Respondent - State

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WITH
ANTICIPATORY BAIL APPLICATION NO. 783 OF 2025

Shekh Saddam Taher Shekh
VERSUS
The State Of Maharashtra And Another

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- Mr. Sohail Subhedar, Advocate h/f. Mr. N. S. Ghanekar, Advocate for Applicant
- Mr. AAA Khan, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 08.12.2025

PER COURT :

CRIMINAL APPLICATION NO. 4517 OF 2025 :-

1. The applicant has filed the present application seeking withdrawal of the amount deposited by the accused-applicant in Anticipatory Bail Application No. 783 of 2025, pursuant to the

interim order dated 08.05.2025 passed by this Court while granting interim protection to the accused.

2. It is the submission of the learned counsel appearing for the applicant–victim that by the interim order dated 08.05.2025, the accused–applicant in ABA No. 783 of 2025 was directed to pay an amount of Rs.3,80,000/- to the informant, and in the event of refusal by her to accept the same, to deposit the said amount before this Court.

3. Learned counsel for the applicant–victim submits that the said amount was never offered to the complainant and was directly deposited before this Court. He submits that considering the serious allegations in the FIR, this Court had directed the accused to repay the amount allegedly taken by him from the complainant, and only on that condition interim protection was granted. He, therefore, prays that the amount deposited before this Court be released in favour of the applicant–victim.

4. As against this learned counsel for the accused submits that the amount was offered to the complainant, however, since she refused to accept it, the accused deposited the same before this Court. It is thus submitted that the interim order dated 08.05.2025 stands complied with. He further submits that as the complainant is opposing the summary filed by the prosecution before the concerned

Judicial Magistrate, and therefore, the amount may not be allowed to be withdrawn by the applicant – victim.

5. Learned APP submits that the prosecution has filed a B-Summary before the learned Trial Court while filing a report under Section 193 of the Bharatiya Nagarik Suraksha Sanhita, concluding that the complaint is false.

6. I have perused the report under Section 183 of BNSS produced by the learned APP, which reflect that a B-Summary has been filed in the present crime. A bare perusal of the interim order dated 08.05.2025 shows that the accused was directed to repay the amount to the informant, and only on that condition interim protection from arrest was granted. It is further evident that no material is placed on record to show that the accused had offered the said amount to the complainant and that complainant has refused to accept, prior to depositing it before this Court. Thus, it appears that the amount was directly deposited without first being offered to the complainant.

7. In view thereof, and considering that the interim order was passed on an undertaking given by the accused, I am of the opinion that the accused has no right to oppose withdrawal of the said amount by the complainant–victim. Accordingly, Criminal Application No. 4517 of 2025 deserves to be allowed. The Registry is directed to permit the applicant–victim to withdraw the amount deposited by the

accused pursuant to the interim order dated 08.05.2025 passed in ABA No. 783 of 2025.

8. Criminal Application No. 4517 of 2025 is disposed of accordingly.

ANTICIPATORY BAIL APPLICATION NO. 783 OF 2025 :-

9. Interim relief was granted by this Court on 08.05.2025 considering the nature of allegations levelled by the complainant. Learned counsel for the applicant–accused submits that the applicant has complied with all the directions issued under the interim order, has cooperated with the investigation, and has attended the police station whenever called by the Investigating Officer.

10. Learned APP submits that a B-Summary has been filed before the learned Jurisdictional Magistrate, Khulatabad, under Section 193 of BNSS, and appropriate orders may be passed.

11. I have perused the investigation papers, which show that the prosecution has filed a B-Summary on the ground that the complaint is found to be false. However, the complainant has a statutory right to file a protest petition before acceptance of the said summary, and the learned Magistrate has already issued notice to the complainant in that regard.

12. Be that as it may, the complainant victim always have a right to file the protest petition, before the said summary is accepted by the

Jurisdictional Magistrate, it is informed that the Jurisdictional Magistrate has issued notice to the complainant – Victim to file the say before accepting the summary filed by the prosecution. The complainant therefore has a right to file a protest petition, objecting to such summary filed by the prosecution. Be that as it may, in view of the fact that the prosecution did not come up with any violation of the interim order dated 08.05.2025, by the accused. Moreover it is seen that that the complainant has deposited amount of Rs. 3,80,000 before the Court which is already directed to be paid to the informant, I do not see any impediment in confirming the interim order in Hence, the following order

ORDER

- A) The interim order dated 08.05.2025 is hereby confirmed with the same terms and conditions imposed therein.
- B) The applicant shall continue to cooperate with the investigation, and shall remain present as and when called by the Investigating Officer.
- C) The applicant shall not influence the informant or witnesses and shall not tamper with the evidence.

13. The Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)