



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.765/2024

KASHIF IQBAL ALI SAYED AND ORS

...APPLICANTS

VS

STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Milan Desai i/b Zulekha Sayed for the Applicants.

Adv. Rutuja A. Ambekar, APP for the Respondent State.

Adv. Ridhima Mangaonkar a/w Hitesh Gupta, Vipul Makwana for the Intervener.

...

CORAM : RAJESH S. PATIL, J.

DATED : APRIL 23, 2025

P.C.:

1. By an order dated 22 March 2024, the co-ordinate Bench of this Court (Coram: Sarang V. Kotwal, J.) interim protection was granted to the applicant. The statement of the applicants through their advocate were recorded in paragraph no.4 that without prejudice of their rights and contentions, the applicants are willing to deposit the amount of Rs.32,25,000/- which is subject matter of the FIR, within a reasonable time in phases.

2. Today, it is submitted before me that on 11 March 2024, a sum of Rs.2 lacs was deposited in 9th Metropolitan Magistrate Court at Bandra and on 16 July 2024, a further sum of Rs.15 lacs was deposited in 9th Metropolitan Magistrate Court at Bandra. Therefore, totally a sum

of Rs.17 lacs has been deposited.

3. It appears that thereafter the matter appeared on 25 July 2024 when the advocate appearing for the applicants sought time to take instructions as to whether the applicants were in a position to deposit the balance amount.

4. On 18 March 2025, submission of the counsel appearing for the applicants was recorded that he will take instructions from the applicants whether they are ready to deposit the balance amount of Rs.15,25,000/-.

5. Today, when the matter is called out, Mr. Desai, learned counsel for the Applicants submits that the applicants are not in position to deposit the balance amount of Rs.15,25,000/-

6. Considering the fact that more than a year back the present applicants were protected by an order passed by this Court since, the applicants voluntarily made their statements that they will deposit the entire amount of the crime which is Rs.32,25,000/-. More than year has passed still, the applicants have chose not to deposit the entire crime amount and by depositing half of the amount, they were able to be protected by this Court since the time limit of deposit the entire amount of the crime was not mentioned in order dated 22 March, 2024. The crime has been registered with the police on 25 April 2023 for the

offences punishable under Section 120B and 420 of the IPC.

7. Today, the counsel appearing for the applicants on instructions has submitted that the applicants are not desirous of depositing the balance amount of Rs.15,25,000/-, out of Rs. 32,25,000/-. I am of the view that since, the applicants who voluntarily made statements before this Court more than a year back for depositing the entire amount of Rs.32,25,000/- and are not ready to deposit the balance 50% of the amount, therefore, the protection order granted by this Court needs to be vacated as applicants after making voluntary statement before this Court have not complied with the same. Hence, the present **anticipatory bail application filed by the applicants stands rejected.**

8. Ms. Mangaonkar, learned counsel for the first informant submits that the amount which has been deposited by the applicants should be permitted to be withdrawn by the first informant as the applicants had no objection if the amount deposited by them is withdrawn by the first informant. The said fact has been recorded in paragraph no. 5 of the order dated 22 March 2024.

9. Mr. Desai, learned counsel for the applicants has opposed the prayer made by Ms. Mangaonkar, learned counsel for the first informant. Paragraph No. 5 of the order dated 22 March 2024 passed by

this Court (Coram: Sarang V. Kotwal, J.) reads as under :

“5. Strictly considering these submissions, I am inclined to protect the Applicants by way of ad-interim relief. The Applicants will have to show their bonafides. She further submitted that the Applicants do not have any objection if the amount is permitted to be withdrawn by the informant.”

10. Though the entire amount of crime being Rs.32,25,000/- has not been deposited in this Court however, according to me, considering the no objection of the applicants being recorded in order dated 22 March 2024, the first informant is hereby permitted to withdraw the amount of Rs.17 lakhs deposited in 9th Metropolitan Magistrate Court at Bandra (now known as Judicial Magistrate First Class), along with accrued interest, if any.

11. All parties to act on authenticated copy of this order.

12. Mr. Desai, seeks stay to operation of this order.

13. Ms. Mangaonkar opposes the request made by Mr. Desai.

14. The operation of this order as regards withdrawal of the amount by the first informant is hereby stayed for a period of three weeks from today.

(RAJESH S. PATIL, J.)