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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1195 OF 2024
IN
CRIMINAL APPLICATION NO.982 OF 2016
IN
CRIMINAL APPLICATION NO. 1324 OF 2016**

Yusufi Saifuddin Makda & Ors	... Applicants
IN THE MATTER BETWEEN:	
Tushar Shivaji Chaudhari & Ors.	... Applicants
V/s.	
State of Maharashtra & Ors	... Respondents

Adv.Sujay Gawade a/w Adv. Mudita Pawar, Adv. Mihika
Save i/b Shree and Co, for the applicants in IA No.
1195 of 2024.

Mr. Prashant Aher a/w Mr. Gaurav Rupnoor for the
Applicant in APL 1324 of 2016.

Mrs.Mahalakshmi Ganapathy, APP for respondent-
State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 17, 2025

P.C.:

1. The present application is filed by the victims at whose instance the First Information Report came to be registered. The locus of the applicants is therefore well established, since they are directly concerned with the subject matter of the crime and the amount allegedly obtained from them.

2. It is an admitted position on record that the accused has deposited an amount of Rs. 30,00,000 in the City Civil Court, Dindoshi, during the course of proceedings. This deposit was made as a condition imposed while considering the anticipatory bail application. Such deposit is treated as being held by the Court for safeguarding the interest of the victims, subject to further adjudication by the competent court.

3. The present application arises in disposed of anticipatory bail proceedings. The applicants contend that out of the amount in question, they had themselves paid a sum of Rs. 13,66,000 to the accused persons. To that extent, they seek repayment of their share from the amount already deposited before the Court. The claim, therefore, is not for the entire sum but only for a specific portion, which makes their prayer limited and confined.

4. Considering the nature of the relief sought, it is necessary that the applicants substantiate their claim with proof of payment. This is because the deposit is common and other claimants may also have rights over the said amount. If such proof is found satisfactory, then within a period of four weeks from the date of filing of the application, the Trial Court shall determine the extent of entitlement and pass appropriate orders for repayment of the said amount from the deposit.

5. However, as a measure of caution and to balance equities, the applicants will be required to furnish an undertaking before the Trial Court that in the event the trial ultimately establishes that no such amount was paid by them to the accused, they will refund

the withdrawn amount back to the Court.

6. It is clarified that if the Trial Court passes an order permitting the applicants to withdraw the said amount of Rs. 13,66,000 or any part thereof according to their entitlement, the City Civil Court, Dindoshi shall act upon such order and release the funds to the applicants without delay.

(AMIT BORKAR, J.)