

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4084 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1784 OF 2024

Bank of Baroda

Applicant

.. (Org. Respondent No. 2)

In The Matter Between

Melroy Kerome Kinny

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

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- Mr. A.R. Bamne i/by M/s. A.R. Bamne & Co for Applicant - Org. Respondent No. 2
- Mr. Vikas MMourya i/by Mr. E.A. Sothe for Original Applicant
- Ms. Shilpa K. Gajare-Dhumal, APP for State

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CORAM : MILIND N. JADHAV, J.**DATE : JANUARY 23, 2025****P. C.:**

1. Heard Mr. Bamne, learned Advocate for Applicant i.e. original Respondent No. 2; Mr. Mourya, learned Advocate for original Applicant and Ms. Gajare-Dhumal, learned APP for the State.

2. Mr. Bamne draws my attention to the order dated 24.09.2024 passed in ABA No. 1784/2024, paragraph No. 4 of which reads as under:-

"4. Mr Sothe, the learned Counsel for the applicant and Mr Bamne, appearing for respondent No.2/Bank, jointly inform the Court that the parties have arrived at settlement. The applicant has already deposited Rs.42,00,000/- with the Registry of this Court and for its withdrawal in favour of respondent No.2 the applicant has no objection. Mr Sothe, the learned Counsel, under instructions from the applicant, states that the applicant will transfer the remaining balance amount to the respondent

No.2/Dena Bank, within three months from today. In view of this development, the learned Counsel for the respondent No.2/Dena Bank, consents to granting anticipatory bail to the applicant and further submits that the respondent No.2/Bank will file an interim application to withdraw Rs.42,00,000/- from the Registry of this Court."

3. Present Application is filed for seeking withdrawal of the aforesaid amount of Rs. 42,00,000/- deposited with the Registry of this Court.

4. It is seen that in the aforesaid order itself, original Applicant - Melroy Jerome Kinny had given his no-objection for withdrawal. Today, Mr. Mourya, holding for Advocate Mr. Sothe who filed the vakalatnama on behalf of original Applicant, would inform the Court that Applicant - Melroy J. Kinny has no-objection if the aforesaid amount is allowed to be withdrawn.

5. In view of the above, Interim Application stands allowed in terms of prayer clause (a). It is further clarified that apart from the aforesaid amount, all accrued interest on the above deposited amount shall also be paid over to the present Applicant i.e. original Respondent No. 2.

6. Registry shall act on a server copy of this order and shall not insist for any Application to be made to the Registry by Applicant i.e. Respondent No. 2.

7. Learned Advocate for Applicant shall on his letterhead give the details of the bank account of Applicant to the Registry and Registry

shall ensure that the aforesaid direction is complied with by transfer of the entire amount of Rs. 42,00,000/- along with all accrued interest into the bank account of the Applicant within a period of one week from the date of placing this order before the Registry.

8. Registry shall follow the aforesaid directions scrupulously.

9. Interim Application is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
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Digitally signed
by RAVINDRA
MOHAN
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2025.01.23
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