

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO. 473 OF 2025

IN

CRIMINAL BAIL APPLICATION NO. 3425 OF 2022

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Manohar Gopal Kale

... Applicant /
First Informant

IN THE MATTER BETWEEN

Kishor Dattaram Sarang

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. M. V. Thorat, Advocate for the Applicant.

Mr. Meghdeep Oak, Advocate for Applicant in BA/3425/2022.

V.B. Zarekar, PSI – Dadar Police Station present.

Mr. Prasanna P. Malshe, APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATED : 3rd APRIL, 2025.

P. C. :

1. Heard learned counsel for the respective parties.
2. By this application, applicant/ first informant is seeking withdrawal of amount deposited by the accused.
3. It is contention of learned counsel for the first informant that first informant is victim who has been cheated by the accused, hence he be permitted to withdraw the deposited amount.

4. Learned APP strongly objected to allow the application on the ground that accused had deposited the said amount to show his bonafide, hence, the first informant cannot be permitted to withdraw the said amount.

5. I have heard both the learned counsel. The first informant has filed FIR against the accused for cheating. If first informant is directed to redeposit the withdrawal of amount before recording statement under Section 313 of Cr.PC. of accused, it would suffice and I pass following order.

ORDER

- i. The application is allowed.
 - ii. The applicant/ first informant is permitted to withdraw Rs. 5 lakhs deposited by accused with undertaking that he will redeposit the said amount before the recording the state of accused under Section 313 of Cr. P.C.
6. The Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)