IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3796 OF 2025
IN BA/1123/2022

ALKABAI JYOTISINGH NIMROTH
VERSUS
THE STATE OF MAHARASHTRA

.....

Advocate for Applicant : Mr. Bhushan S. Dhawale
APP for Respondent - State : Mrs. Ashlesha S. Deshmukh

.....

CORAM : HITEN S. VENEGAVKAR, J.

DATED : 12th OCTOBER, 2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for the respondent - State.

2. Learned Advocate for the applicant submits that, the present applicant is the wife of original accused Jyotising Kalusingh Nimroth (Rajput), who had been arraigned as an accused in Crime No.143 of 2022 registered with Mohadi-Nagar Police Station, District Dhule for offences punishable under sections 420, 406, 465, 467, 471 and 201 read with section 34 of IPC.

3. Learned Advocate for the applicant submits that as the applicant was arrested in connection with the above-referred

offence, he had preferred a bail application in this Court being Bail Application No.1123 of 2022. In the said application, this Court (Coram : R. G. Avachat, J.) by order dated 15th September, 2022 had passed an order granting bail to the husband of the applicant, therein, a condition was imposed in Clause (III) of the operative part of the order, which reads as under:-

> *(III) Applicants – Dilipsing and Jyotising shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) each and applicant -Dnyaneshwar Jadhav shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs) in the Trial Court as condition precedent for grant of bail."*

4. He submits that in compliance of the said order, the husband of the present applicant had deposited a sum of Rs.20,00,000/- in the Trial Court as condition precedent for grant of bail. He refers to the receipt annexed to this proceedings on page no. 19 of the application.

5. He submits that the husband of the applicant Jyotising expired during the pendency of the trial on 14th October, 2022. He relies upon the copy of death certificate annexed to the proceedings on page no.20 issued by District Hospital, Buldhana. He thus submits that upon the death of the accused Jyotising

Nimroth, the trial against him has abated and therefore the amount that has been deposited by the applicant is required to be refunded to the present applicant being the wife of the said accused Jyotising Nimroth.

6. Learned APP opposed the application by stating that the offence is of cheating and therefore the amount can be adjusted towards the final proceeds in case the trial culminates into conviction.

7. I have perused the contents of the application and have also considered the submissions raised by the learned Advocate for the applicant. The record indicates that in pursuance of the order passed by this Court dated 15th September, 2022, the original accused Jyotising has deposited an amount of Rs. 20,00,000/- in the Trial Court on 21st September, 2022 of which the receipt is produced on record duly signed by Assistant Superintendent, 3rd Joint JMFC Court, Dhule. The contention of the applicant that during the pendency of the trial the accused Jyotising has expired on 14th October, 2022 is also substantiated by the copy of death certificate placed on record issued and signed by Civil Surgeon, District Hospital, Buldhana. Now the only question that remains to be determined is whether the applicant is entitled for withdrawal

of the said amount for the reason that the permission to withdraw the said amount deposited in pursuance of the bail order will have to be granted to the legal heir of the original accused Jyotising Nimroth.

8. The applicant in the application has contended that she is the wife of original accused Jyotising Nimroth and have also filed an additional affidavit in support of the application stating that along with the applicant there are three children who are legal heirs of the accused Jyotising Nimroth. The said claim is also supported by the heirship certificate issued by the competent Court dated 17th October, 2023. Taking into consideration that the trial against the accused Jyotisingh Nimroth has abated due to his death during pendency of the trial, the amount that is deposited pursuant to his bail condition legally requires to be refunded back to the legal heir of the said accused Jyotisingh.

9. In light of the above, I am inclined to partly allow the application and direct the learned Trial Court to refund the amount deposited by accused Jyotising Kalusing Nimroth (Rajput) in accordance with the procedure that is required to be followed while granting some such refunds.

10. It is made clear that, applicant shall make a joint application of the applicant along with her three major children before the Trial Court and in case the children are ready and willing to give up their right in the said amount, then the amount shall be refunded to the present applicant in totality of Rs.20,00,000/-.

11. In case, there is any resistance from the children, then the Trial Court to distribute the said amount with accrued interest thereon, if any, in accordance with their heirship share in the property of the accused in accordance with law.

12. Accordingly, Criminal Application stands disposed of.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale