



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2780 OF 2025
IN CRIMINAL APPLICATION NO.6428 OF 2013**

Subhash Narayanrao Joshi Died Through Legal Heirs Chababai
Subhashrao Joshi

VERSUS

The State Of Maharashtra And Another

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- Mrs. Kulkarni Manjiri Achutrao, Advocate for Applicants
- Mr. P. D. Patil, APP for Respondent No. 1 - State
- Ms. Akshara S. Madake, Advocate (appointed) for Respondent No. 2

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CORAM : MEHROZ K. PATHAN, J.

DATED : 28.04.2026

PER COURT :

1. The present application is filed by the applicants, who are the legal heirs of the original accused – Subhash Narayanrao Joshi, seeking permission to withdraw the amount of Rs. 7,08,000/- deposited before this Court pursuant to the order dated 12.02.2014 passed in Criminal Application No. 6428 of 2013.

2. Though notices were issued to the respondents, the original complainant has not appeared. Hence, Ms. Akshara S. Madake, learned Advocate, is appointed to represent Respondent No. 2 – complainant.

3. Learned counsel for the applicants submits that by order dated 12.02.2014, this Court had directed the original accused – Subhash Joshi to deposit an amount of Rs. 7,08,000/- as a condition for grant

of anticipatory bail in connection with Crime No. 142 of 2013 registered for the offences punishable under Sections 420, 406, and 34 of the Indian Penal Code. It is submitted that the said amount was deposited to demonstrate bona fides and compliance with the conditions imposed by this Court.

4. It is further submitted that though initially the learned Trial Court had convicted Subhash Joshi, subsequently, in appeal, the learned Additional Sessions Judge, Ambajogai, District Beed, by common judgment dated 11.11.2024 in Criminal Appeal No. 8 of 2018 (filed by Subhash Joshi) and Criminal Appeal No. 7 of 2018 (filed by the complainant), allowed the appeal filed by Subhash Joshi and acquitted him of the offences, while dismissing the appeal preferred by the complainant.

5. Learned counsel submits that Subhash Joshi expired on 04.12.2024. The present applicants, being his legal heirs, are entitled to receive the amount deposited by him, particularly in view of his acquittal. It is thus prayed that the said amount along with accrued interest be released in favour of the applicants.

6. Per contra, learned APP as well as the learned appointed counsel for Respondent No. 2 oppose the application. It is submitted that the applicants have not placed on record any succession certificate or sufficient material to conclusively establish that they are

the only legal heirs of the deceased Subhash Joshi. It is further submitted that there are no instructions as to whether any further proceedings, including appeal against acquittal of accused Subhash Joshi have been initiated. Hence, according to them, the amount should not be released at this stage.

7. I have considered the submissions advanced by the learned counsel for the parties and have perused the material placed on record, including the order dated 12.02.2014 and the judgment dated 11.11.2024 passed by the learned Additional Sessions Judge, Ambajogai.

8. The perusal of the order dated 12.02.2014 clearly indicates that the amount of Rs. 7,08,000/- was directed to be deposited by the accused as a condition for grant of anticipatory bail and only to demonstrate his bona fides. The said amount was not directed to be paid as compensation or restitution to the complainant.

9. It is an admitted position that the original accused – Subhash Joshi has been acquitted of the offences by the Appellate Court and the appeal preferred by the complainant has been dismissed. In view of the acquittal, the basis for retention of the deposited amount no longer survives.

10. As regards the objection relating to production of succession certificate, it is to be noted that no rival claim has been brought on

record disputing the status of the present applicants as legal heirs of the deceased. In absence of any competing claim, and considering the nature of deposit, this Court finds no impediment in permitting withdrawal of the said amount, subject to appropriate safeguards.

11. However, to balance the interest of justice, particularly in view of the submission that there is no clarity regarding further challenge to the acquittal, it would be appropriate to impose a condition requiring the applicants to furnish an undertaking.

ORDER

- A) The Criminal Application No. 2780 of 2025 is allowed.
 - B) The applicants are permitted to withdraw the amount of Rs. 7,08,000/- (Rupees Seven Lakhs Eight Thousand only), along with accrued interest, if any.
 - C) The aforesaid amount shall be released in favour of the applicants upon the legal heirs of Subhash Joshi executing a bond of Rs. 7,08,000/- and filing an undertaking before this Court to the effect that, in the event any proceedings are initiated and the acquittal of Subhash Joshi is set aside by a competent Court, they shall redeposit the said amount along with applicable interest, as may be directed.
12. In view of the above, the Criminal Application is disposed of.
13. Fees of the learned appointed counsel for Respondent No. 2 shall be quantified as per rules of the High Court Legal Aid Services Sub-Committee

(MEHROZ K. PATHAN, J.)