

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Rajendra P. Mali	...	Applicant
V/s.		
The State of Maharashtra & Anr...		Respondent

CORAM : REVATI MOHITE DERE, J.
DATED : 23rd MARCH, 2015.

1. Heard learned counsel for the Applicant and the learned APP for the Respondent - State.

2. By this application, the applicant seeks pre-arrest bail in connection with M.E.C.R.No.I-207 of 2013 registered with the Kasarvadawali Police Station, Thane, for the alleged offences punishable under Sections 420, 406, 504, 506(2) r/w 34 of the Indian Penal Code.

3. The applicant is the owner of Hotel Hill Centre (Sheetal) situated at Jagannath Mahadevo Mandir, Gaimukh, Retibunder, G.B.Road, Ovala

(W), District – Thane. It is alleged by the complainant that he had entered into a Leave and License Agreement with respect to the said Hotel with the Applicant. Pursuant to the agreement, the complainant had deposited Rs.50 lacs, as security deposit with the applicant. According to the leave and license agreement, the complainant was to pay a sum of Rs.2,11,000/- as license fees to the applicant, every month. It appears that a dispute arose between the parties, pursuant to which the applicant refused to pay back the amounts paid by the complainant, as security deposit i.e. Rs.50 lacs. Accordingly, a private complaint was filed by the complainant in the Court of learned Judicial Magistrate First Class and the learned Magistrate was pleased to pass an order under Section 156(3) of Cr.P.C, pursuant to which the aforesaid M.E.C.R.No.I-207 of 2013 was registered with the Kasarvadawali Police Station, Thane, alleging the aforesaid offences. It appears that the applicant had filed an Anticipatory Bail Application in the Sessions Court, in which the complainant filed an Intervention Application and accepted that he had received the entire amount that was due and payable from the applicant. Hence, vide order dated 3rd March, 2015, this Court also directed the complainant to be impleaded as Respondent No.2 in the present application.

4. Today, the complainant/respondent no.2, is present in person. His Advocate has tendered an affidavit, in the aforesaid Anticipatory Bail Application, wherein he has stated that the matter has been amicably settled and that he has 'No Objection' for grant of Anticipatory Bail to the applicant, as he has received the entire amount. The said affidavit is taken on record and marked 'X' for identification.

5. In the facts and circumstances of the case, considering the nature of allegations and the fact that the complainant has no grievance, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs15,000/- with one or two sureties in the like amount.

6. The Application is allowed and disposed of in above terms.

7. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)