

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 101 OF 2015
WITH
CRIMINAL APPLICATION NO. 236 OF 2015

Tajdar Kamal Amrohi	...	Applicant
vs.		
Amrit Ramesh Manghnani & Ors.	...	Respondents

Ms. Nirmala K. Bhosle, Advocate, for the applicant.
Ms. S.S.Kaushik, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 3rd July, 2015.

P.C.

The learned APP submits that Criminal Application No.101 of 2015 is filed on behalf of the original complainant seeking cancellation of bail granted in favour of the accused persons.

2. During the pendency of this application, the complainant and the applicant have arrived at an amicable settlement. The complainant in Criminal Application No.101 of 2015 is Tajdar Amrohi. He is present in the Court and admits that he has arrived at an amicable settlement with the applicant in Criminal Application No.101 of 2015. The consent terms are filed on record and marked "X" for the purpose of identification.

3. The respective counsel upon instructions stated in the affidavit filed today in the form of consent terms.

4. The learned APP submits that the complainant in Application No.101 of 2015 be saddled with costs since he has availed of the services of not only the police department but the Economic Offences Wing.

5. The learned counsel for the complainant submits that this is an application seeking pre-arrest bail filed by the accused. That this is not an application seeking quashing of FIR and therefore, no costs be saddled. It is further submitted that the complainant has suffered loss of Rs.60 crores and therefore, it would not be proper to saddle with costs.

6. As against this, the learned APP submits that the criminal prosecution was initiated as a matter of recovery and therefore the complainant be saddled with costs. Respective counsel submit that on compliance with the consent terms, they would be filing an application seeking quashing of FIR. The Hon'ble Division Bench of this Court may saddle the complainant with costs.

7. The learned Sessions Court had granted pre-arrest bail by considering the merits of the matter. However, this application is filed for cancellation of bail without there being a good ground for interfering with the order of the Sessions Court. The Investigating Officer had to remain present in this Court on more than two occasions. The Investigating Officer could not concentrate his attention to more deserving cases than a case for recovery. The complainant has filed this application seeking cancellation of bail only by way of coercive measure and, therefore, the complainant deserves to be saddled with costs.

8. The applicant is present in the Court. The application seeking cancellation of bail deserves to be dismissed with costs at Rs.10,000/-, to be paid by the applicant to the “Police Welfare Fund” within four weeks from today.

(SMT.SADHANA S.JADHAV, J.)