

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 339 OF 2015

Munjaram Bapurao Yenkure	.. Applicant
Versus	
The State of Maharashtra & Anr.	.. Respondents

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 246 OF 2015

Dr. Vishwas David Valvi	.. Applicant
Versus	
The State of Maharashtra & Anr.	.. Respondents

Mr. Mahendra M. Agavekar for the Applicant in ABA/339/15.
Mr. Saket M. Lombar i/b Mr. Ajay S. Varekar for the Applicant in ABA/246/15.
Mr. Sandeep Dere for the Complainant.
Ms. P.P. Shinde, A.P.P. for the State.
Mr. Bhupesh Salunke, P.S.I., Kasarwadavli Police Station, Thane.

CORAM :- SMT. SADHANA S. JADHAV, J.
DATED :- 14th JULY 2015.

P.C. :-

1 Heard. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in C.R. No.10 of 2015 registered at Kasarvadavli Police Station on 13.01.2015 for the offences punishable under Sections 465, 467, 468, 471, 347 of I.P.C.

2 On 23.06.2015 the respective Counsel had made a statement that the parties are exploring the possibility of amicable

settlement. This Court had granted permission to the applicant to add the original complainant as party respondent. Amendment was carried out. Notice was issued. Today the complainant is present in the Court and is duly identified by the Officer from the Kasarvadavli Police Station, who is present in the Court. It also appears that on 10.07.2015, the supplementary statement of the complainant was recorded and she has disclosed before the Police that she has settled the matter with the applicants. She has alleged in the First Information Report that the applicants had forged the documents and had not paid the consideration for purchasing the land. Since the parties have arrived at amicable settlement, custodial interrogation would not be imperative. Respective parties have filed a Writ Petition seeking quashing of First Information Report on the basis of which Crime No.10 of 2015 is registered. The said Petition is filed by consent. The complainant had also filed Civil Suit No.305 of 2014 which is pending before the Civil Judge, Senior Division, Thane. Respective parties submit that they have also filed consent terms in the suit and are seeking decree by consent.

3 The above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

4 Hence, following order is passed.

Order

- I) In view of this, the applications are allowed.
- II) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each and one or two sureties in their like amount.
- III) The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)