

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 486 OF 2015**

Fazal Mohamed Azizul Haque Chowdhry	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Ashok Pande for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

Mr. Tariq Khan for the Intervener/Original complainant

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 16TH APRIL, 2015

P.C. :

1. Heard learned Counsel for the applicant, the learned A.P.P and the learned Counsel for the original complainant.

2. By this application, the applicant seeks pre-arrest bail in connection with the C.R. No. 98 of 2015 registered with the Pydhonie Police Station for the alleged offence punishable under Section 406 of the Indian Penal Code.

3. The learned Counsel for the applicant states that the applicant and the original complainant have settled the dispute amicably. The learned Counsel for the original complainant does not dispute the same. Both the applicant as well as the original complainant are present in Court. They have tendered the Consent Terms entered into between them, which are taken on record and marked 'X' for identification. In the said Consent Terms, the applicant has undertaken to pay a total sum of Rs. 35 lakhs to the complainant. In addition to the Consent Terms, the applicant has also filed a separate undertaking to this Court that he would pay the amounts as stated in the Consent Terms. The same is also taken on record and marked 'X-1' for identification.

4. The learned Counsel for the original complainant states that in view of the Consent Terms and the Undertaking given by the applicant, the complainant will not proceed under Section 138 proceedings till the realisation of the entire amount as given in the Consent Terms. The application is accordingly allowed.

5. The applicant, in the event of his arrest, be enlarged on bail on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicant be enlarged on bail furnishing P.R.Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;
- (ii) The applicant shall co-operate with the investigating agency.

10. It is made clear, that this application has not been considered on merits, but has been allowed only in view of the Consent Terms filed by the parties.

11. Application disposed of accordingly.

12. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.