

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1052 OF 2015

Mrs. Sunita Arunkumar Aggarwal	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

WITH
CRIMINAL APPLICATION NO. 1116 OF 2015

Arunkumar Ramswarup Aggarwal	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Shirish Gupte Senior Counsel i/b. Mr. Rahul Arote for the applicants.
Mr. Pranav Badjela i/b. Mr. Prashant Pawar for original
complainant/intervener.
Ms. P.P.Shinde, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 18th June, 2015.

P.C.

Heard. These are the applications under Section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 6.5.2015 in Crime No.403/2014 registered at Dadar Police Station for the offences punishable under Sections 406, 420 read with Section 34 of IPC.

2. It is the case of the prosecution that on 23.12.2014, one Pankaj

Bansal lodged a report at the police station alleging therein that the present applicants happen to be directors of Sunshine Caterers Pvt.Ltd. They had obtained loans/investments to be invested in the contract which they were to get for supplying foods to the Railway Catering Services. According to the complainant, the applicants had not fulfilled the assurances and hence had cheated the complainant and his family members who had invested with the applicant-company. On the basis of the report of Pankaj Bansal, offence was registered. The applicants have been arrested and are in jail since 6.5.2015.

3. During the pendency of the applications seeking bail, the complainant and the accused-applicants have amicably settled the dispute. They have executed a Memorandum of Understanding (MOU) in which they have agreed to settle the dispute on certain terms and conditions. The applicants undertake to abide by the consent terms incorporated in the MOU executed on 15.6.2015. A copy of the MOU is taken on record and marked as "X" for the purpose of identification.

4. The learned Senior Counsel appearing for the applicants submits that the applicants are being prosecuted for offences punishable

under Sections 406 and 420 read with Sec. 34 of IPC. That the offences are triable by the Court of Magistrate. That they are in jail for more than 45 days. That the offences alleged against the applicants are compoundable offences as contemplated under Section 320 of Cr.P.C. and therefore they are entitled to grant of bail after being in custody for more than 45 days.

5. It is also agreed between the parties that the applicants would file a Writ Petition seeking the relief of quashing of the FIR and the complainant has agreed to consent to the same subject to the undertaking given by the applicants to abide the terms and conditions incorporated in the MOU. In the above circumstances, the applicants are entitled to be enlarged on bail on imposing certain conditions.

ORDER

- (i) The applications are allowed.
- (ii) The applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicants shall be released on provisional cash bail which shall remain in force for four weeks within which the applicants shall furnish P.R. Bonds.

(iv) The applicant in Criminal Bail Application No. 1116 of 2015 – Arunkumar Ramswarup Aggarwal shall attend the Office of Economic Offences Wing, Unit No.3 on every Sunday between 10 a.m. to 1 p.m. for a period of eight weeks or till the quashing of FIR, whichever is earlier.

Applications are allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)