

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 559 OF 2016

1 Nirmala Sampatrao Chavan.
2 Maheshkumar Sampatrao Chavan.
3 Mrs. Jyoti Maheshkumar Chavan. ... Applicants.

Versus

The State of Maharashtra & anr. ... Respondents.

Mr. Manoj Badgujar i/b. Mr. Abhijeet P. Kulkarni, advocate for Applicants.

Ms. veera Shinde, APP for State.

Mr. Nilesh J. Jagdale, API, Bhosri Police Station, Pune.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 4, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their

arrest in Crime No. 62 of 2016 registered at Bhosari Police Station on 5/3/2016 for the offence punishable under Section 406, 420 read with 34 of the Indian Penal Code.

3 It is the case of the prosecution that Laxmibai Gulve lodged report at the police station on 5/3/2016 alleging therein that she has disclosed her financial condition to her sister i.e. the present applicant No. 1. Her sister Nirmala and her son and relatives had agreed to help her out. It was agreed that Nirmala should give her a flat at Pune and make an arrangement for the marriage of her nephew. It is alleged that the applicant and her son had committed breach of trust and had not abided by the original agreement between them.

4 The applicant No. 2 happens to be the son of the applicant No. 1 and applicant No. 3 is wife of applicant No. 2. They are all family members.

5 Be that as it may, as on today, the complainant and the
applicants, taking into consideration their relations inter se have
settled the dispute outside the court. The consent terms are filed on
record.

6 Heard the learned Counsel for the complainant. They have also
executed a memorandum of understanding. The learned Counsel for
the applicant submits that the applicant would abide by the consent
terms and the terms laid down in the memorandum of understanding.

7 In view of the consent terms filed between the parties, the
applicants deserves to be granted pre-arrest bail.

8 However, it is made clear that observations made herein above
are prima facie in nature and shall not be considered for quashing of
F.I.R., discharge application or at the time of trial.

9 Hence, following order is passed :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) Applicant No. 2 report to the police station on every Saturday and Sunday between 10 a.m. to 12 noon till filing of the charge-sheet.
- (iv) The applicants shall not tamper with the evidence.

10 Application stands disposed of.

(SMT. SADHANA S. JADHAV,J)