

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 54 OF 2017

Mandar Ratnakar Chogle	...	Applicant
vs.		
1.The State of Maharashtra	...	Respondent
2.Dr. Padmaja Sunil Patil	...	Complainant

Mr. Avinash Avhad, for the applicant.
Ms. Racheeta Dhuru for orig. complainant.
Mrs. P.P.Shinde, APP, for the State.
Mr. Gaikwad, PSI, General Cheating, EOW, Mumbai, present.

CORAM : SMT. SADHANA S.JADHAV,J.
DATE : 11th January, 2017.

P.C.

The learned counsel for the applicant submits that taking into consideration the relations between the parties, they have arrived at an amicable settlement. He seeks leave to add the original complainant as party-respondent. Leave to add. Amendment to be carried out forthwith.

The matter is kept back.

2. The learned counsel Ms. Racheeta Dhuru waives service for the added respondent – original complainant.

3. The applicant herein is arrested on 8.11.2016 in Crime No.56 of 2014 being investigated by the Economic Offences Wing. Initially, it was registered as Crime No.177 of 2014 with Borivli (West) Police Station, Mumbai for the offences

punishable under Sections 420, 465, 467, 468, 472 and 120B of the Indian Penal Code.

4. The applicant herein had also filed Criminal Application No.688 of 2016 seeking the relief of quashing of FIR. On 5.7.2016, when the application was posted for hearing, it was demonstrated that the 2nd respondent i.e. the complainant in the present case had filed a suit for declaration. The Hon'ble Division Bench had issued Rule and by way of interim relief, it was directed that the investigation shall continue, but charge-sheet shall not be filed without leave of the Court.

5. It primarily appears that this is a case of family disputes between the brother and sister over the ancestral property. The applicant is in custody. In order to maintain the family ties and good relations with the complainant who happens to be the sister of the applicant, the applicant had instructed his mother and wife to settle the terms on his behalf. Accordingly, the consent terms are drawn between the wife and mother of the applicant and the complainant. The civil proceedings may take its own course.

6. Today, the Consent Terms Cum Memorandum of Understanding are filed before this Court. The parties are present before the Court and they are identified as duly verified by the learned APP and the learned counsel representing the

original complainant. The Consent Terms are taken on record and marked "X" for the purpose of identification. The parties agree that the applicant would abide by the Consent Terms as they have been drawn on the instructions of the applicant.

7. Taking into consideration the facts of the case, the relations between the parties and the fact that they have arrived at an amicable settlement, this Court is inclined to enlarge the applicant on bail.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on his furnishing cash bail/presenting demand draft/pay order in the sum of Rs.50,000/- and one or more solvent sureties in the like amount which shall remain in force for a period of six weeks from today.

Application stands disposed of in the above terms.

(SMT.SADHANA S.JADHAV,J.)