

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

BAIL APPLICATION NO.413 OF 2017

Mrs.Nieshaa Preetam Gharat	 Applicant
versus	
State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.700 OF 2016**

Rajesh Chotalal Tailor	 Applicant
versus	
Pavan Satish Kulavoor and Anr.	... Respondents

**WITH
BAIL APPLICATION NO.393 OF 2017**

Prashant Rajendra Mehta	 Applicant
versus	
State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1828 OF 2016**

Satish Kulavoor and Ors.	 Applicants
versus	
State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.951 OF 2016**

Rajesh Chotalal Tailor	 Applicant
versus	
State of Maharashtra	... Respondent

.....

- Mr.Jagdish Kumar S. Hegde for the Applicant in B.A.No.413/17, B.A. No.393/17 and ABA No.1828/16.
- Miss Jindagi Shah i/b. TJS Legal for the Applicant in Application No.700/16 in B.A. No.393/17.
- Mr.R.M. Pethe, APP for the State/Respondent.

CORAM : A.S.GADKARI, J.
DATE : 27th APRIL, 2017.

P.C. :

1. The Anticipatory Bail Application No.1828/16 is filed u/s 438 of Cr.P.C. by the applicants who are apprehending arrest in C.R.I-187/16 dated 22/07/2016 registered with Kasarwadvali Police Station for the offences punishable u/s 420, 465, 467, 468, 471, 120(B), 506 r/w 34 of the Indian Penal Code and the applicants in Bail Application No.393/17 and Bail Application No.413/17 are seeking bail u/s 439 of Cr.P.C. in the said crime.

2. The record reveals that the First Information Report is lodged by Rajesh Tailor alleging that the co-accused Pavan Satish Kulavoor alongwith applicants induced the informant to part with substantial amount of money under the pretext to invest it in property business. Accordingly the first informant

paid the amount of Rs.23,56,69,223/- to the said Pavan Kulavoor and applicants herein. It is alleged that the applicants herein are co-conspirators in the said crime.

3. During the course of investigation, the applicants Prashant Rajendra Mehta and Nieshaa Preetam Gharat are arrested and are in judicial custody. The record further reveals that the accused Pavan Kulavoor after his release on bail committed suicide on 18/04/2017.

4. The learned counsel for the applicants and learned counsel for the intervener today submitted photocopies of two separate deeds of memorandum of understanding/settlement deeds dated 10/04/2017 and 27/04/2017. It is mentioned in the said deed that the parties herein have amicably settled the matter and the applicants have agreed to repay the amount involved in the present crime either by cash or in the form of immovable property. That the first informant has signed the said deeds in the presence of witnesses.

5. The learned counsel for the first informant on instructions submitted that the first informant has no objection

for grant of pre-arrest bail and regular bail to the applicants in pursuance of the said settlement deeds.

6. I have perused the said settlement deeds. In view of the agreement entered into by and between the parties, the applicants have made out the case for their release on bail. It is to be noted here that if the applicants or other co-accused mentioned in the memorandum of understanding/settlement deeds dated 10/04/2017 and 27/04/2017 commits breach of any of the clauses mentioned in the said deeds, the first informant is at liberty to file appropriate proceedings for cancellation of bail of the applicants.

7. In view of the above applicants are entitled for grant of pre-arrest bail and regular bail respectively.

8. Hence the following order:

- (i) The interim relief granted by an order dated 19/10/2016 in Anticipatory Bail Application No.1828/16 is confirmed. However, the directions to attend the Investigating Officer is hereby waived.
- (ii) The applicants in Bail Application No.393/17 and Bail Application No.413/17 be released on

bail in C.R.No.I-187/16 dated 22/07/2016 registered with Kasarwadvali Police Station, on their furnishing PR Bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

(iii) The applicants shall not tamper with evidence and/or influence the prosecution witnesses.

9. The applicants are permitted to furnish cash bail for a period of six weeks from today and during the said period they shall comply with the conditions of clause No.1 hereinabove.

10. The applications are allowed in the aforesaid terms.

11. In view of the order passed in Anticipatory Bail Application No.1828/16, Bail Application No.393/17 and Bail Application No.413/17, the Application for Intervention bearing No.951/16 does not survive and is disposed of accordingly.

(A.S.GADKARI, J.)