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

ANTICIPATORY BAIL APPLICATION NO.569 OF 2017

- | | |
|--------------------------------|---------------|
| 1. Khimraj S/o Jayantilal Jain | |
| 2. Sachin S/o Jayantilal Jain | ...Applicants |
| Versus | |
| The State of Maharashtra | ...Respondent |

**WITH
ANTICIPATORY BAIL APPLICATION NO.604 OF 2017**

- | | |
|--------------------------|---------------|
| Jayantilal Jethamal Jain | ...Applicant |
| Versus | |
| The State of Maharashtra | ...Respondent |

Mr.A.P.Mundargi, Senior Counsel i/b Mr.S.K.Hande and Mr.Umesh Bodkhe for the Applicants in ABA No.569 of 2017.

Mr.Deepak Thakare, A.P.P for the Respondent-State in ABA No.569 of 2017.

Mr.S.P.Kadam i/b Mr.S.K.Hande and Mr.Umesh Bodkhe, for the Applicant in ABA No.604 of 2017.

Ms.Rutuja Ambekar, A.P.P for the Respondent-State in ABA No.604 of 2017.

API – Abasaheb Patil, Revdanda Police Station, Raigad.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th APRIL, 2017

P.C. :

1. Criminal Anticipatory Bail Application No.569 of 2017, not on board and is taken on board and heard with Criminal Anticipatory Bail Application No.604 of 2017, which is on today's board at serial no 912.
2. Heard learned Counsel for the parties.
3. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 26 of 2017 registered with the Revdanda Police Station, Raigad, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code and under Section 43 of the Maharashtra Money Lending (Regulation) Act, 2014 .
4. The applicant in Anticipatory Bail Application No.604 of 2017 viz., Jayantilal Jethamal Jain is the father of the applicants in Anticipatory Bail Application No.569 of 2017 viz., Khimraj Jayantilal Jain and Sachin Jayantilal Jain. The complainant is one Sachin R. Mayekar, who has lodged the aforesaid complaint as against the applicants alleging the aforesaid offences.

5. According to the complainant, he had mortgaged certain ornaments with the applicant - Jayantilal Jain on various dates @ 3% interest per month. He has given a list of gold articles which were mortgaged by him with applicant - Jayantilal Jain. According to the complainant, the accused did not give anything in writing and later refused having any articles.

6. Learned Counsel for the applicants in both the applications submitted that the complainant and the applicants have amicably settled their dispute. They have tendered a Memorandum of Understanding dated 18th April, 2017, entered into between the parties. The same is taken on record and marked 'X' for identification. The complainant is present in Court. He states that the dispute has been amicably resolved. The valuation of the gold articles was Rs.12,76,825/- and after adjusting the loan amount of Rs.8,95,000/- the complainant has received the balance amount.

7. Considering the aforesaid, the custody of the applicants is not required. Accordingly, the applications are allowed and the applicants are

granted pre-arrest bail on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount.

8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.