

Anand

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

ANTICIPATORY BAIL APPLICATION NO.789 OF 2017

Hiralal Ramkrishna Dalalkar .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.S.H.Deokar, Advocate, for the Applicant

Mrs.R.Ambekar, APP, for the Respondent No.1 –
State

Mr.Abhinay Kamaji, Complainant-in-person present

CORAM : REVATI MOHITE DERE, J.

DATE : 04.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.34 of 2016 registered with the Samarth Police Station, Pune, for the alleged offences punishable under Sections 406 & 420 of the Indian Penal Code.

3. Learned counsel for the Applicant

submits that the Applicant is alleged to have misappropriated an amount of Rs.3,28,995/-. He submits that the Applicant has paid the Complainant a sum of Rs.20,000/- and has deposited the balance amount of Rs.3,08,995/- in the Registry of this Court, pursuant to the Orders dated 02.05.2017 & 12.06.2017 passed by this Court.

4. Learned APP on instructions states that parties have amicably settled their dispute. The Complainant is present in person. He submits that he has amicably settled the dispute with the Applicant and that he has no objection, if the Application is allowed. He also does not dispute the fact, that an amount of Rs.20,000/- was received by him. He states that he may be permitted to withdraw the amount of Rs.3,08,995/-, deposited by the Applicant in this Court. Learned counsel for the Applicant has no objection, if the Complainant withdraws

the said amount. The Complainant, who is present in Court also states, that he has no objection if the proceedings are quashed and that he is ready to give his no objection, if any proceedings are filed by the Applicant in this Court, seeking quashing of the proceedings. Statement accepted.

5. In view of the aforesaid, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Respondent No.2 (Original Complainant) – Abhinay Jagannath Kamaji is permitted to withdraw an amount of Rs.3,08,995/- deposited by the Applicant in the Registry of

this Court after showing proof of his identity.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)