

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.70 OF 2018

Vinod M. Nandgawli, Age 40 years,
Occ.Business, R/o.87, Mahalaxmi Niwas,
Union Park, Boisar Chilla Road, Betegaon
Boisar (East), Tal & Dist.Palghar,
presently at Arthur Road Jail.

Applicant

versus

The State of Maharashtra, through
Andheri Police Station.

Respondents

Mr.Krishna K. Holambe Patil for applicant.
Mr.Ghanshyam Upadhyay for complainant.
Ms.A.A.Takalkar, APP, for State.
Mr.Rajesh Padvi, Police Inspector of Andheri Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. This is an application for bail in connection with CR No.407 of 2017 registered with Andheri Police Station for offences under Sections 406, 409, 420, 506, 120B of Indian Penal Code. The applicant is arrested on 27th August 2017 and since then he is in custody.
2. The original complainant had filed affidavit-in-reply pursuant to the order dated 16th April 2018.
3. The FIR lodged by complainant alleges that the accused had cheated him in furtherance of conspiracy by false representations by

inducing him to transact with them and provided batching plant/equipments/machineries causing loss to him.

4. Learned counsel for applicant and first informant submitted that parties have settled the dispute. The consent terms signed by the applicant as well as other partners of the firm namely M/s.V4 Con-Tech. They are identified by the advocate representing them. The consent terms were affirmed before registry of this Court. The contents of the consent terms were also explained to the parties by the respective advocates. The accused no.1 is a partnership firm. Pursuant to the order passed by this Court, the applicant has been produced in the Court. He has signed the consent terms on behalf of accused no.1 partnership firm as well as, as a partner of the said firm. The other accused Mrs.Neeta Vinod Nandgawli, Manohar M. Nandgawali and Mrs.Chitra M. Nandgawali have also signed the consent terms as partners of the accused no.1 firm. They are all present in the Court. They have all affirmed the contents of consent terms. It is stated by all of them that they are fully aware and understood the contents of consent terms and they are agreeable to the terms therein. The complainant is also present in the Court who also admitted settlement and contents of consent terms.

5. Two cheques signed by the applicant-accused which are stipulated in the consent terms, are being handed over to the first informant. The consent terms are taken on record and marked "X" for identification. In clause (VII) of the consent terms it is mentioned that the original complainant hereby accords his consent for grant of bail to accused no.2 (applicant) in view of consent terms. The settlement is arrived at between first informant and parties to the consent terms viz accused nos.1 to 5.

6. The copy of consent terms is also handed over to learned APP. The investigating officer is also present in the Court. It is noted that the applicant/accused no.2 is in custody from 27th August 2017. The charge sheet is filed against him. The other accused who are present in the Court have been granted anticipatory bail by this Court. In the aforesaid circumstances and since the parties have arrived at settlement, the applicant can be released on bail.

7. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.70 of 2018 is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.407 of 2017 registered with Andheri Police Station on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) In the alternative, the applicant is permitted to furnish cash security in the sum of Rs.20,000/-;
- (iv) Criminal Bail Application No.70 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST