

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 512 OF 2017**

Sandip Mahavir Kathak	...Applicant
Versus	
State of Maharashtra & Anr.	...Respondents

Mr. Piyush Toshnival I/b Mr. Aashish Satpute for the Applicant

Ms. J. S. Lohokare, A.P.P for the Respondent No.1-State

Mr. Santosh Pawar for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 25th APRIL, 2018

P.C.

1. Heard learned Counsel for the parties.

2. Learned counsel for the applicant and respondent No. 2 have tendered Consent Terms entered into by and between the applicant and respondent No.2. The said Consent Terms are taken on record and marked 'X' for identification.

3. It is agreed by and between the applicant and respondent No. 2 that they will file a petition seeking quashing of the complaint/FIR i.e.

C. R. No. 19 of 2017 registered with the Marine Drive Police Station, Mumbai, for the alleged offences punishable under Sections 420 and 406 of the Indian Penal Code as well as for quashing of the 138 complaint filed in the Girgaon Court. It is also agreed by and between the applicant and the respondent No. 2 that after the aforesaid two cases are quashed, the respondent No. 2 will be permitted to withdraw an amount of Rs. 1,50,50,000/- along with accrued interest, if any, deposited by the applicant in the Registry of this Court.

4. The applicant has handed over a post-dated cheque of Rs. 10 lakhs dated 16th August, 2018 to the respondent No. 2, who is present in Court. Respondent No. 2 acknowledges receipt of the said post-dated cheque. The respondent No. 2 states that he will deposit the said cheque on 16th August, 2018.

5. In view of the Consent Terms entered into by and between the parties, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

6. The application is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.