

915 ABA 910 of 2017 a/w ABA 919 of 2017
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 910 OF 2017

Avinash Niranjana Shinde and Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION No. 919 OF 2017

Pathik Suresh Bhandari and Ors. ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Aniket U. Nikam for Applicant in ABA No. 910 of 2017
Mr. Chetan S. Damre i/b. Mr. H.R. Palwe for Applicant in ABA 919 of 2017
Mr. Abhishek Deshmukh for Original Complainant
Mr. S.S. Pednekar -APP in ABA 910 of 2018
Mr. Prashant Jadhav -APP in ABA 919 of 017

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JULY 12, 2018

P.C.

1. Heard. This is an application under section 438 of the Criminal Procedure Code.
2. The Applicants herein are apprehending their arrest in Crime No. I 117/2017 registered at Sarkarwada Police Station, Nashik for the offences

punishable under section 420, 120B, 504, 506 r/w. 34 of the Indian Penal Code. The Applicants were granted interim relief by this Court [Coram: M.S. Karnik, J.] Vacation Court on 24th May, 2017 and, thereafter, the matter was adjourned from time to time as the complainant and the Applicants had made a joint request that they are trying to explore possibility for amicable settlement. That the Complainant had approached the police and had informed the same. He has amicably settled the matter with the present Applicant. All offences registered against the Applicants are compoundable offences. A statement was made that the complainant had settled the dispute with some of the Applicants and accordingly, supplementary statement was recorded on 27th December, 2017.

3. The learned counsel for the Complainant in both the applications today makes a statement that in the morning he has been instructed by the Complainant that he has not settled the matter with any of the Applicants. An affidavit was also notarized and the copy of the same was given to the police stating therein that the said affidavit in reply has been filed in this Court. The copy of the same is taken on record. Copy of the affidavit is given to the police. However, it has not been filed in this Court for some inevitable reason.

4. In view of the statement made before the police and in view of the notarized affidavit stating that he has settled the dispute with some of the

applicants, the Applicants deserve to be granted pre-arrest bail. The observations are restricted to application under section 438 of the Criminal Procedure Code and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order.

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R. Bond of Rs.50,000/- each and one or more sureties in the like amount.

Applications stand disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]