

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI ANTICIPATORY BAIL APPLICATION NO. 1725 OF 2018

Noor Alam Hasib Shah

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mrs. Falguni Brahmabhatt, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent/State.

Ms. Sonali Shelar, for Respondent no.2.

CORAM: PRAKASH D. NAIK, J

DATED: 5th December, 2018

PC:-

1. This is an application for anticipatory bail in connection with CR No.413 of 2017 registered with Amboli Police Station, for the offences punishable under Sections 420, 306 read with Section 34 of Indian Penal Code.

2. The complainant is present in the Court. She is represented by learned Advocate, who also identified the complainant. Learned Advocate Ms. Shelar undertakes to file Vakalatnama within three days from today. The complainant has tendered an Affidavit in which it is stated that she has arrived at settlement with the applicant Noor Alam Hasib Shah. It is stated that the matter has been settled for the amount of Rs.10,00,000/-. The amount of Rs.3,73,500/- have been received by the complainant by way of Demand Draft, which has been encashed by her. The balance amount is agreed to be paid

by post-dated cheques referred to in the Affidavit. The applicant has also annexed photo copies of the cheques which were hand over to the complainant. The complainant who is present in the Court has confirmed the contents of the Affidavit. It is further stated in the Affidavit that the complainant has no objection for granting anticipatory bail to the applicant. However, in the event the cheques issued by the applicant – accused in favour of the complainant are dishonoured, anticipatory bail granted to the applicant be cancelled. The affidavit is taken on record and marked 'X' for identification.

3. It is submitted by the learned Counsel for the complainant that the settlement arrived with the applicant is only referred to the applicant and the same may not be considered as full and final settlement in respect of entire FIR qua other accused and the benefit of this settlement shall not be accrued to other accused. It is clarified that the settlement is only with the present applicant.

4. It is made clear that in the event of the cheque issued by the applicant in favour of the complainant towards the settlement stipulated in Affidavit is dishonoured, the prosecution or the complainant will be at liberty to prefer an application for cancellation of anticipatory bail.

5. Hence the following order:

: O r d e r :

- (i) Anticipatory Bail Application No.1725 of 2018 is allowed.

- (ii) In the event of arrest of the applicant, in CR No.413 of 2017 registered with Amboli Police Station, for the offences punishable under Sections 420, 306 read with Section 34 of Indian Penal Code, be released on bail on furnishing Personal Bond of Rs.25,000/- with one or more sureties in the like amount.
- (iii) In the event the cheque issued by the applicant in favour of the complainant towards the settlement in respect of the present FIR is dishonoured, the prosecution and Respondent no.2 will be at liberty to prefer an application for cancellation of this anticipatory bail.

6. Application stands disposed of.

[PRAKASH D. NAIK, J.]