

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

ANTICIPATORY BAIL APPLICATION NO. 1843 OF 2018

1. Naresh C. Barot	
2. Shailesh Mistry	... Applicants
Vs.	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO. 1138 OF 2018**

Mukesh Premanand Ajmera	... Intervenor
<i>In the matter between</i>	

Naresh C. Barot and another	... Applicants
Vs.	
The State of Maharashtra	... Respondents

...

Mr. Diwakar R Singh for the applicant.
 Mr. A.R. Kapadnis, APP for the Respondent-State.
 Ms. Sadhana Datar I/by Mr. S.K. Srivastav & Company for
 intervenor.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 7th DECEMBER, 2018.**

P.C.

1. This is an application for anticipatory bail in C.R. No. 168 of 2018 registered with Vile Parle Police Station for the offence punishable under Sections 406, 420 read with 34 of Indian Penal Code alongwith Sections 4 and 13 of the MOFA.
2. Learned counsel for the intervenor/complainant submitted that the parties have resolved the dispute amicably. The affidavit-cum-declaration executed by the applicant is tendered. During the

course of hearing of this application, the parties have also executed consent terms. The complainant is present in the Court and he is being identified by the advocate representing him. The affidavit executed by the applicant and the consent terms signed by both the parties are taken on record and marked "X" for identification. It is submitted by the learned advocate for the complainant that in view of the consent terms, anticipatory bail can be granted to the applicant. In consent terms, it has been stated that in the event of breach of the consent terms, the anticipatory bail granted to the applicant can be cancelled and the Respondent No.2 will be at liberty to apply for cancellation of anticipatory bail. In view of above, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 1843 of 2018 is allowed;
- ii) In the event of arrest of applicant in connection with C.R. No.168 of 2018 registered with Vile Parle Police Station, the applicant be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- iii) In the event of breach of consent terms by the applicant, the Respondent No.2 or the prosecution will be at liberty to prefer an application for cancellation of anticipatory bail.
- iv) Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)