

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

BAIL APPLICATION NO.2374 OF 2018

Anand Mukesh Patel

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Satish Maneshinde a/w. Ms.Laxmi Raman i/b. Anandini
Fernandes, Advocate for the Applicant.

Ms.A.A. Takalkar, APP for the Respondent – State.

Mr.Sandeep Kekane, Advocate for the Intervener.

K.K. Pawar, P.I., MIDC Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 25, 2018.

P.C. :

Applicant is seeking bail in C.R.No.196 of 2014, registered with Juhu Police Station, Mumbai, for the offences punishable under Sections 419, 420, 467, 468 and 471 read with 34 of IPC, which is subject matter of case no.2317/PW/2018. The applicant is arrested on 27th May, 2018. Investigation is completed and the charge sheet has been filed.

2 The case of the prosecution is that accused had introduced themselves that they are in business of land dealing.

The accused had told the informant that a land at Mulshi district, Pune is available for sale and they intend to buy the said land. They showed letter of intent of HDIL Company to convince that the said company is prospective purchaser. It was proposed that if informant invests money for purchasing land, they would give partnership of 33% in transaction. They also showed search report. The informant parted with amount. The FIR refers to details of transaction and acts committed by applicant accused. The complainant than realised that transaction was not genuine. The documents were false. The applicant and other accused in collusion with each other made false proposal to the informant about purchase of land, which was already under industrial reservation. They allured the informant to make investment for the said transaction. Considering the submissions advanced by both parties, it is not necessary to evaluate the prosecution case.

4 The informant had also lodged First Information Report at Bangalore vide C.R.No.54 of 2013,

5 The case of the applicant is that there is settlement between the applicant and the first informant. It is submitted that, on the basis of the charge-sheet and the evidence collected,

it cannot be said that the alleged act was done in furtherance of common intention. There is no evidence to suggest that the applicant was involved in the transaction at the time of parting of the amount by this first informant viz by Demand Draft to the land owners nor was he is concerned with the search report allegedly issued by the advocate. The applicant is not concerned with the alleged forgery of documents. Apart from that it is submitted that in view of the settlement arrived at between the parties, the further detention of the applicant is not necessary. It is also submitted that the applicant and the first informant had preferred Writ Petition before this Court seeking quashing of the proceedings by consent qua the applicant. The counsel for the first informant tendered affidavit executed on 17th September, 2018. On 21st September, 2018 the first informant was present in the Court and he confirmed that there is settlement between the applicant and first informant. The application was adjourned at the request of learned APP for taking instructions. The affidavit tendered by complainant indicate that there is a settlement between the informant and the applicant (accused no.2), in relation to the said proceedings due to intervention of relatives. It is also submitted that the settlement is restricted only to the present applicant/accused no.2 and the complainant has no

objection if applicant is granted bail. It is stated that the complainant do not wish to proceed against the applicant in criminal case bearing no.2317/PW/2018 pending before the Court of learned Additional Chief Metropolitan 10th Court, Andheri Mumbai arising out of C.R.No.196 of 2014 registered with Juhu Police station for the offences punishable under Sections 419, 420, 467, 468 and 471 read with 34 of IPC. It is also stated that the first informant has executed an affidavit in Writ Petition No.3474 of 2018. It is also submitted that the first informant has filed two separate affidavits before the trial Court and the Sessions Court in requisite bail application preferred by the applicant and he has stated that he has no objection to grant bail to the applicant.

6 The applicant is in custody since 27th May, 2018. The investigation is completed and the charge - sheet is filed. The first informant and the applicant had arrived at settlement and the petition seeking quashing of the present proceedings is also pending in this Court. Learned APP submitted that the first information report was lodged by the complainant and in pursuant to that the investigating officer has recorded statements of various persons. The documents are collected. The

investigation is completed and the charge-sheet has been filed. Taking into consideration the aforesaid circumstance, bail can be granted to the applicant.

7 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.2374 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.196 of 2014, registered with Juhu Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (ii) Applicant is permitted to furnish cash security in the sum of Rs.25,000/-, for a period of four week from today;
- (iii) Applicant shall not tamper with the evidence;
- (v) Bail Application No.2374 of 2018, stands disposed of;

- (vi) Parties to act on an authenticated copy of this order.

(PRAKASH D. NAIK, J.)