

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

ANTICIPATORY BAIL APPLICATION NO.1857 OF 2017

Yashwinder Singh Ghura		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Amir Arsiwala i/by Mr. Nikhil Mengde for the Applicant.
Mr. S.R. Agarkar APP for the State.

Mr. Satyavrut Joshi for Respondent no.2
Mr. Vivek Tanniwar, respondent no.2 present in the Court.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : 6th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.453 of 2016, registered at Warje-Malwadi Police Station, for the offences punishable under Sections 420, 409 read with 34 Indian Penal Code.

3 During the pendency of this application, the original complainant Mr. Vivek Anna Tannirwar was added as respondent no.2 by way of amendment, which was carried out on 23rd October 2017. Respondent no.2 has marked his presence before the Court. The original complainant is being represented by the counsel, Mr. Satyavrut Joshi. The applicant herein was alleged to have committed breach of trust and misappropriated an amount of Rs.36,50,000/-. The applicant herein has deposited with the Registry of this Court Rs.29,50,000/-. The applicant herein has shown his willingness to pay an amount of Rs.7,00,000/- by demand draft, which is already paid and received by the complainant.

4 Learned counsel submits that the complainant has entered into memorandum of understanding/consent terms with the present applicant. Respondent no.2 is present in the Court today and is duly identified by Advocate Mr. Satyavrut Joshi. It is, in these circumstances that the order granting interim reliefs to the applicant deserves to be confirmed.

5 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

- 1 The application is allowed and stands disposed of.
- 2 In the event of arrest, the applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(*Smt. Sadhana S. Jadhav, J*)