

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

ANTICIPATORY BAIL APPLICATION NO.2100 OF 2018

Kartick Agarwala

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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Mr.Ashok Mundargi, Senior Counsel a/w. Mr.Bharat Vaishnawa
I/b. M/s.Bharat Vaishnawa & Co., Advocate for the Applicant.

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

Mr.Nilesh Soni I/b. Mr.Dd. Singh, Advocate for the Intervener.

Mr.Sandeep Panchangave, PSI, Kandivali Police Station, Mumbai,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 25, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.335 of 2018, registered with Kandivali Police Station, Mumbai, filed at the instance of one Gaurav Vora on behalf of M/s.Laxmi Dia Jewels Private Limited. FIR was registered on 20th June, 2018, for the offences punishable under Sections 406 and 420 of Indian Penal Code (“IPC”, for short).

2 At the outset, the learned counsel for the applicant and the counsel representing the first informant/intervener

submitted that the parties have settled their dispute. Learned counsel for the applicant tendered the Memorandum Of Understanding ("MOU", for short) executed between the parties. Along with the MOU, the Board Resolution passed by Laxmi Dia Jewels Private Limited is also placed on record. The said Resolution indicate that Mr.Sandeep Deorukhkar and Mr. Gaurav Vora authorized to appear, sign, verify, declare, affirm, make, present, submit and file all necessary notices, complaints, petitions, written statements etc., in all proceedings and matter in connection with the proceedings by or against the company before any Court. The advocate for the intervener has also tendered the signed affidavit executed by Gaurav Vora. In the said affidavit, it is stated that the applicant and the intervener has settled the dispute in terms of MOU dated 16th October, 2018, and, hence, in terms of the said MOU, the intervener is required to tender the said MOU and the affidavit. It is stated that the terms and conditions of the said MOU is binding on the said parties and undertaking in the MOU cannot be accepted. The intervener has no objection for grant of the anticipatory bail to the applicant. In the said consent affidavit MOU along with Resolution referred to hereinabove are taken on record and marked "**X**" for identification. The intervener be implead as

respondents in this application. The requisite amendment be carried out forthwith.

3 In view of the aforesaid circumstances, this application can be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2100 of 2018, is allowed;
- (ii) In the event of arrest of the Applicant in connection with C.R.No.335 of 2018, registered with Kandivali Police Station, Mumbai, the applicant be released on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Anticipatory Bail Application No.2100 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)