

Anand

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

**ANTICIPATORY BAIL APPLICATION NO. 174 OF 2019**

Aruna Pranochyar Katare .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. S. G. Rajput, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent No. 1 – State

Mr. Jayesh K. Rathod, Advocate, for the Respondent No. 2

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 11.07.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 383 of 2018 registered with the MIDC Police Station, Mumbai, for the alleged offence punishable under Section 420 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant has amicably settled her dispute with the Respondent No. 2. Learned counsel for the Respondent No. 2 i. e. the original Complainant

has filed an Affidavit of the Respondent No. 2 stating that the dispute has been amicably settled. In para 3 of the said Affidavit, it is stated that the parties have entered into an Memorandum of Understanding and that the Applicant has promised to repay the Respondent No. 2 the entire consideration of Rs. 22,00,000/- within one year i. e. on or before 2020. It is also stated that in case, the Applicant is unable to pay the total amount or even partial amount within the said period or there is non-compliance of the aforesaid M.O.U., the Applicant will be at liberty to initiate the proceedings against him. In the said Affidavit, it is stated that the Applicant has paid her a sum of Rs. 25,000/- by cheque and has given 11 post dated cheques of Rs. 2,00,000/- each. In addition, one room i. e. ( 1 + 1 ) is handed over. It appears that possession of one room has been given till the entire amount is repaid by the Applicant to the Complainant. It is agreed, on receiving the entire amount of Rs. 22,00,000/-, the Respondent No. 2 will handover possession of that room back to the Applicant.

4. Without going into the merits, considering that the parties have amicably settled their dispute, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

**ORDER**

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

(ii) If there is breach of any of the conditions of the M.O.U., it is open for the Respondent No. 2 to seek cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear, that this Application has not been heard on merits and that pre-arrest bail is granted only in view of the settlement between the parties.

All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**