

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1112 OF 2019

Vilas Chandrakant Gaokar

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr. Prablin S. Abrol, Advocate, for the Applicant

Mr. P. H. Gaikwad-Patil, APP, for the Respondent No. 1 – State

Mr. Hemant D. Anaokar, Respondent No. 2 / Complainant-in-person
present

CORAM : REVATI MOHITE DERE, J.

DATE : 31.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 296 of 2018 registered with the Shivaji Park Police Station, Mumbai, for the alleged offences punishable under Sections 406 & 420 of the Indian Penal Code.

3. Learned counsel for the Applicant and the Complainant, who is present in person have tendered the Consent Terms entered into by and between them. The said Consent Terms are taken on record and

marked as “X” for identification. As per the Consent Terms, the Applicant has undertaken to pay the Complainant – Hemant Anaokar a sum of Rs. 4,50,000/- towards full and final settlement. The Applicant has already deposited Rs. 4,00,000/- in the Registry of this Court and the Applicant has no objection, if the Complainant – Hemant Anaokar withdraws the said amount. As far as the balance amount of Rs. 50,000/- is concerned, the same is to be paid by the Applicant to the Complainant, at the time of the quashing of the proceedings, which will be filed by the Applicant. The Complainant, who is present in person states that he will co-operate in the quashing of the case as against the Applicant. It is agreed by the parties that the said quashing proceeding would be filed within a period of four weeks from today and at the time of the quashing of the proceedings as against the Applicant, the balance amount of Rs. 50,000/- will be paid by the Applicant to the Complainant – Hemant Anaokar. The Applicant has no objection, if the Complainant – Hemant Anaokar withdraws the said amount i. e. Rs. 4,00,000/- which is deposited by the Applicant, in the Registry of this Court.

4. Considering the aforesaid, without going into the merits of the case, the Application is allowed and the interim protection granted by this Court is confirmed 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. 10,000/-** with one or two sureties in the like amount;

(ii) The Applicant to abide by the Consent Terms;

(iii) The Complainant – Hemant Anaokar, who is present in Court is permitted to withdraw Rs. 4,00,000/- deposited in the Registry of this Court after showing proof of his identity;

(iv) If there is a breach of the Consent Terms, liberty is granted to move for cancellation of the Applicant's bail.

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

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

(REVATI MOHITE DERE, J.)