

nsC.

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

***ANTICIPATORY BAIL APPLICATION NO.1288 OF 2019***

|    |                             |               |
|----|-----------------------------|---------------|
| 1. | Vinod Tarachand Sheth       |               |
| 2. | Rajesh Tarachand Sheth      |               |
| 3. | Ashwin Tarachand Sheth      | ...Applicants |
|    | Versus                      |               |
|    | Sr. Inspector, EOW and Ors. | ...Respondent |

Mr.Dinesh Dubey, for the Applicants.

Ms.Veera Shinde, A.P.P for the Respondent - State.

Mr.N.S.Mundargi i/b Mr.V.R.Sutaria, for the Respondent No.3.

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

***DATE : 4<sup>th</sup> JULY, 2019***

**P.C. :**

1. The aforesaid application was kept for recording compliance of the payment of Rs.2 crores to the complainant.
2. Learned Counsel for the applicants states that as per the Consent Terms dated 26<sup>th</sup> June, 2019, the applicants have paid a sum of Rs.2 crores to the complainant. The said statement is not disputed.

3. Vide order dated 26<sup>th</sup> June, 2019, without going into the merits, considering the fact that the parties had amicably resolved their dispute and had tendered Consent Terms, which were marked as 'X' for identification, the applicants were granted interim protection. Under the Consent Terms, till date, 3 crores have been paid by the applicants to the complainant. The balance amount of Rs.3.5 crores are to be paid as per the Consent Terms, in tranches. As per clause – 12 of the Consent Terms, in case of default in making payments, the complainant is at liberty to revive all the proceedings, criminal as well as civil.

4. Learned Counsel for the applicants assures this Court that Consent Terms will be abided by the applicants and that the amounts will be paid to the complainant as stated therein.

5. Accordingly, the interim protection is confirmed on the following terms and conditions :

### **ORDER**

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- each, with one or two

sureties in the like amount.

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

7. It is clarified, that the applicants have been granted pre-arrest bail, not on merits, but in view of the Consent Terms entered into by and between the parties.

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

***REVATI MOHITE DERE, J.***