

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

ANTICIPATORY BAIL APPLICATION NO. 1537 OF 2018

Neelam Nalin Shah & Anr.	...	Applicants
V/s.		
The State of Maharashtra & Anr.	...	Respondents

- Mr.Niranjan S. Mundargi i/b. Mr.Vikram Sutaria for the Applicants.
- Mrs.A.A. Takalkar, APP for the Respondents-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2019.

P.C. :

1] This is an application for anticipatory bail in connection with C.R. No.I-97 of 2018 registered with Vashi Police Station, Navi Mumbai, and presently investigated by E.O.W. Unit-II, Navi Mumbai. The FIR was registered for the offence punishable under Section 406 and 420 of the Indian Penal Code and Section 4(1), 13(1) & (3) of the MOFA Act.

2] The Applicants were granted interim protection vide order dated 8th August, 2018, on the basis of the submissions advanced at the instance of the Applicants that the matter has been settled with

the first informant and consent terms were executed between the parties, which are annexed to this application. However, at that time, it was pointed out by learned APP that apart from the first informant and another person with whom the Applicant had settled the matter, there is one more victim and therefore, the application was adjourned. The other victim Mrs.Bhartiben Bid, was present in the Court on the last occasion and submissions were advanced by learned Advocate for the Applicants that even her claim would be satisfied. In pursuant to that, the memorandum of settlement has been executed with Mrs.Bhartiben Bid. The said memorandum of settlement is taken on record and marked as "X" for identification. In the said memorandum, the schedule of payment to be made to the said person has been stipulated. Mrs.Bhartiben Bid is present along with her husband. It is admitted that they have executed the memorandum with the Applicants. However, the victim has expressed apprehension that in the event the post dated cheques issued in favour of the victim are dishonored, liberty be granted to them to prefer an application for cancellation of anticipatory bail.

3] In view of the aforesaid circumstances, the application can be allowed with certain terms and conditions by confirming the interim order dated 8th August, 2018.

4] Hence, I pass following order:

:: O R D E R ::

- (i) In the event of arrest of the Applicants in C.R. No. I-97 of 2018 registered with Vashi Police Station, Navi Mumbai, and presently, investigated by EOW, Unit-II, Navi Mumbai, the Applicants be released on bail on their furnishing the P.R. Bond in the sum of Rs.25,000/- each, with one or more sureties in the like amount.
- (ii) The Applicants shall adhere to the terms of memorandum of settlement.
- (iii) In the event of breach of the terms of the settlement, the Prosecution and the aggrieved person would be at liberty to prefer an application for cancellation of bail.
- (iv) The Application is disposed of.

[PRAKASH D. NAIK, J.]