

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

ANTICIPATORY BAIL APPLICATION NO. 2056 OF 2018

R.S.Homes Builders And Developers
Through Proprietor Hidayat Hussain
Khan @ Hidayat Saravat Khan

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Niranjan Mundargi I/by S.R. Patil for the Applicant.
Mr. R.M. Pethe APP, for the Respondent-State.
Mr. S.P. Borade for the Intervenor.

**CORAM : A. S. GADKARI, J.
DATE : 18th APRIL, 2019.**

P.C.:-

The learned counsel for the Applicant and the first informant jointly tendered across the bar Undertaking-cum-Consent Terms dated 18th April, 2019. The other 11 flat purchasers are also signatories to the said Undertaking-cum-Consent Terms. By the said Undertaking-cum-Consent Terms, the Applicant has agreed to pay the amount mentioned therein to the first informant Yasin Mohammad Ismail and residential premises to the signatories at serial Nos. 2 to 12. The said document i.e. Undertaking-cum-Consent Terms are duly signed by the Applicant and the signatories Nos. 1 to 12. Their signatures have been identified by the respective Advocates. The said

Undertaking-cum-Consent Terms is taken on record and marked “X” for identification.

As per clause 23 of the said Undertaking-cum-Consent Terms Shri. Sadashiv Patil has affirmed an Affidavit dated 4th February, 2019 and the same is also taken on record and marked as “X-1” for identification.

2 The statement made therein of payment to be made to Smt. Hanifa Noor Mohammad, the signatory at Serial No.4 is treated as undertaking given to this Court. The rest of the clauses mentioned in the Undertaking-cum-Consent Terms are treated as undertakings given to this Court.

In case of breach of any of the undertaking of the terms by the Applicant, the signatories to the said document are at liberty to file Application for cancellation of bail.

3 In view of the Undertaking-cum-Consent Terms dated 18th April, 2019, interim relief granted by Order dated 12th December, 2018 is hereby confirmed.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)