

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2445 OF 2018**

Roystan Vincent Galbano	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2443 OF 2018**

Noel @ Morgan Rodrigues	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2444 OF 2018**

Nasir Ibrahim Bagwan	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2446 OF 2018**

Rajendra Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. S. R. Phanase I/b Mr. Kamlesh Y. Mali for the Applicants in
ABA/2445/2018 and ABA/2446/2018

Ms. Priyanka Brahmdev Chavan for the Applicant in ABA/2444/2018

None for the Applicant in ABA/2443/2018

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

Mr. Jayant Bardeskar with Mr. S. R. Mithare for the
Complainant/Intervener

PSI Mr. I. P. Sawant from Versova Police Station is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 10th JUNE 2019

P.C.

1 Heard learned counsel for the parties.

2 By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 337 of 2018 registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Sections 420, 406, 506(2) r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicants and the learned counsel for the complainant, state on instructions that the parties have amicably resolved their dispute.

4 Learned counsel for the applicants has tendered an affidavit-cum-undertaking on behalf of all the aforesaid applicants. The said affidavit-cum-undertaking is taken on record and is marked 'X' for identification.

5 It appears that the dispute between the parties was with respect to an amount of Rs. 4,65,00,000/-. The dispute is with respect to the period between 2006 to 2009. As per the affidavit-cum-undertaking tendered by the applicants, the applicants have undertaken to settle the dispute with the complainant/intervener for an amount of Rupees Six Crores, by way of full and final settlement. The applicants have undertaken that the said amount of Rupees Six crores would be paid to the complainant/intervener within a period of two months i.e. on or before 6th August 2019. The applicants undertake to issue a demand draft in the name of the complainant for an amount of Rupees Six Crores. Learned counsel for the applicants, on the instructions of the applicants, states that the applicants would have no objection if the interim protection is vacated, if the applicants fail to comply with the undertaking.

6 Without going into the merits of the applications, in view of the affidavit-cum-undertaking tendered by the applicants as well as the statement made by the learned counsel for the applicants, on instructions of

the applicants, the applications are allowed and the applicants are granted pre-arrest bail 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.50,000/- each, with one or two local solvent sureties in the like amount;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station on every Monday from 10:00 a.m. to 11:00 a.m. for a period of two months;
- (iii) The applicants shall abide by the affidavit-cum-undertaking tendered by the applicants;
- (iv) The applicants to issue a demand draft in favour of the complainant for an amount of Rupees Six Crores on or before 6th August 2019;

(v) In the event, the applicants fail to repay the amount of Rupees Six Crores to the complainant/intervener within two months from today i.e. on or before 6th August 2019, the protection granted to the applicants shall stand vacated forthwith and the police will be at liberty to arrest the applicants.

7 The applications are allowed in the aforesaid terms and are accordingly disposed of. However, the same be listed on board on 7th August 2019 under the caption `for compliance'.

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

REVATI MOHITE DERE, J.