

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Anticipatory Bail Application NO. 1682 OF 2019

Pritam Dattatraya Lad	...Applicant
<i>Versus</i>	
The State Of Maharashtra and others	...Respondents

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Mr. Kuldeep S. Patil, Advocate for the Applicant.
Smt. Veera Shinde, APP, for Respondent No.1 – State.
Smt. Sapana S. Jadhav, Advocate for Respondent Nos.2 & 3.

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CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY, 2020
[In Chamber at 2:45 p.m.]

P.C.

1. This is the second application for anticipatory bail preferred by the applicant before this Court. On the earlier occasion, the Applicant had preferred Anticipatory Bail Application No.1295/2019 seeking anticipatory bail in connection with C.R. No.48/2019 registered at Kundal Police Station, District – Sangli, which was registered on 12.5.2019.

2. On the earlier occasion, I had heard the parties and after hearing them for some time, I had expressed my opinion that I was not inclined to grant any relief. After that, learned Counsel for the Applicant had sought permission to withdraw the application. I had granted such permission and the application was allowed to be

withdrawn. That order was passed on 18.6.2019.

3. After the earlier order, the Applicant again approached this Court for anticipatory bail by way of the present application. This application is filed in July, 2019. On this occasion, learned Counsel has relied on a notarized document purportedly signed by Respondent Nos.2 & 3. Respondent No.2 was the original first informant. Learned Counsel for the Applicant relied on this document and submitted that since the first informant, the owner of the tractor as well as the Applicant had entered into a settlement deal, that was an important change of circumstance.

4. Vide order dated 30.7.2019, I had directed learned Counsel for the Applicant to add Respondent Nos.2 & 3 as parties to this application as they were not parties to this application originally. Accordingly, the amendment was carried out and the notices were served on them. Today, both these Respondents are represented through their counsel.

5. Heard both sides.

6. On the earlier occasion, after hearing the Applicant and learned A.P.P., I had permitted the Applicant to withdraw his

application for anticipatory bail after expressing my disinclination to grant relief. In the present application, ad-interim relief was granted only on the basis of the statement made by learned Counsel for the Applicant that the parties had settled their dispute. Learned Counsel has relied on the settlement deed which is a notarized document annexed at Exhibit-E to the present application memo.

7. Learned Counsel for the Applicant states that the settlement deed was properly executed and there was no pressure exerted on either of Respondent Nos.2 & 3. He submits that the Tractor which is a subject matter of the FIR is already in possession of Respondent No.3.

8. Learned Counsel for Respondent Nos.2 & 3 seriously disputed the settlement as well as the settlement deed. According to her, Respondent Nos.2 & 3 were pressurized into signing this settlement deed. She submitted that these two Respondents had never intended to settle the matter. She relied on the affidavit in reply filed on their behalf.

9. Considering the submissions made by learned Counsel for Respondent Nos.2 & 3, at this stage, it is difficult to accept the

submissions of the learned Counsel for the applicant. It appears that, as of today, there is no settlement between the parties. Therefore, the change circumstance pleaded on behalf of the Applicant does not survive in his favour. Hence, the position is reverted back to 18.6.2019 when the Applicant's application was allowed to be withdrawn. In this view of the matter, I am not inclined to entertain this application. Accordingly, application for anticipatory bail is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)