

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 ANTICIPATORY BAIL APPLICATION NO.591 OF 2021
WITH APPLN/1803/2021 IN ABA/591/2021 WITH APPLN/1728/2021 IN
ABA/591/2021

AKASH BIBHISHAN RATHOD AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. S.S. Choudhary and Kuldeep S. Patil
APP for Respondents: Mr. A.S. Shinde.

...

CORAM : PRAKASH D. NAIK J.

DATE : 16th NOVEMBER, 2021.

PER COURT:

1] This is an application for anticipatory bail in crime No. 84 of 2021 registered with Paranda Police station, Dist, Osmanabad for the offences under sections 406, 420 r/w. 34 of IPC.

2] The FIR was registered on 11.3.2021. The complainant has alleged that he had executed an agreement with Aayan Multi Trade LLP Unit for cutting and transportation of sugarcane to Bangana Cooperative Sugar Factory for the purpose of providing labour supply. The agreement was executed with Ramesh Rathod and Akash Rathod. They had assured the complainant for providing labour. Amount of Rs.15,95,000/- was transferred by RTGS to the accused. However, the promises for supply of labour were not fulfilled.

3] The learned counsel for the applicant submitted that the parties

have resolved their dispute. The complainant has been impleaded as respondent No.3 in this application. Applicant No.1 and respondent No.3 are present in the court. Advocate for the respondent No.3, on instructions from the complainant who is present in the court submitted that the dispute has been resolved. The amount of Rs. 10 Lakhs has been paid to respondent No.3 and balance amount of Rs. 3,85,000/- was agreed to be paid by way of post dated cheque and accordingly, the applicant had issued cheque of Rs. 3,85,000/- in favour of respondent No.3.

4] The respondent No.3 has tendered affidavit stating aforesaid facts. it is also stated that in view of settlement between the parties, the deponent has no objection to grant anticipatory bail to the applicants.

5] The dispute relates to payment of money and since the parties have resolved the dispute, this application can be allowed. Affidavit tendered by respondent No.3 is taken on record.

ORDER

[i] ABA No. 591 of 2021 is allowed.

[ii] In the event of arrest of the applicants in connection with Crime No. 84 of 2021 registered with Paranda Police Station, Dist. Osmanabad, the applicants be enlarged on bail on furnishing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount.

[iii] The Application for anticipatory bail stands disposed of.

[vi] Other criminal applications stand disposed of.

[PRAKASH D. NAIK]
JUDGE

GRT/-.