

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

ANTICIPATORY BAIL APPLICATION NO.390 OF 2021

Chandrakant Goma Bagade and Ors.	..Applicants
Versus	
The State of Maharashtra and Anr.	..Respondents

Ms. Jaymala Ostwal a/w Ms. Komal M. Gosavi i/by JJ Associates,
for the Applicants.

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

CORAM : NITIN W. SAMBRE, J.

DATE : 6th DECEMBER, 2021

PC.

1. This court has granted ad-interim protection in favour of the applicants on 7th May, 2021 by a speaking order.

2. The applicants have admitted to have received an amount of Rs.50,30,000/- in 2011 as against MOU dated 26th May, 2011 entered into with the complainant. My attention is invited to the pleadings in Special Civil Suit No.492 of 2019 initiated by the complainant against the applicants for specific performance and perpetual injunction. It is informed that the Trial Court has rejected the application for temporary injunction.

3. It is an admitted fact on record that the applicants have entered into tripartite agreement for development of the property on 23rd January, 2020.

4. As such, it can be inferred in addition to the reasons cited in order dated 7th May, 2021 directing ad-interim protection in favour of the applicants that the issue is already subjudice before the competent Civil Court.

5. The contention advanced by the counsel for the applicants that the terms of MOU dated 26th May, 2011 were not honoured as the agreed consideration was not paid to the applicants appears to be having some substance.

6. As claimed before this Court, applicants are willing to deposit an amount of Rs.51,00,000/- before the Court of Civil Judge Senior Division in pending Civil Suit No.492 of 2019, in my opinion, applicants have established their bonafides.

7. As such, said statement that the amount of Rs.51,00,000/- shall be deposited in the pending Civil Suit being Special Civil Suit No.492 of 2019 on the file of Civil Judge Senior Division, Panvel is accepted as an undertaking to this Court.

8. In the aforesaid background, ad-interim protection order stands confirmed.

9. Applicants in the events of their arrest in connection with C. R. No.84 of 2020 registered with CBD Belapur Police Station, Navi Mumbai be released on bail on their executing P. R.

(6) - ABA-390-21.doc.

bonds in the sum of Rs.30,000/- each with one or two sureties in the like amount.

10. Applicants shall attend Investigating Officer from 20th December, 2021 to 23rd December, 2021 between 10.00 a.m. to 12.00 p.m. as and when directed.

11. The Civil Court is directed to accept the amount, if so, tendered as observed herein-above.

12. If the applicants fail to deposit the amount as has been undertaken, the protection order shall cease to operate without further reference to the Court and the Investigating Officer shall be at liberty to proceed against the applicants in accordance with law.

13. As such, application stands disposed of in the above terms.

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2021.12.06
17:26:52
+0530

[NITIN W. SAMBRE, J.]