

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1031 OF 2021

Madhav Upendraprasad Yadav

Applicant

versus

The State of Maharashtra

Respondent

Mr.Subhash Jha and H.K.Mishra i/by Law Global for applicant.

Ms.Anamika Malhotra, APP, for State.

Mr.Prashant Maggu for complainant.

CORAM : PRAKASH D. NAIK, J.

DATE : 19<sup>th</sup> April 2021

PC :

1. This is an application for bail in CR No.257 of 2020 registered with Sion Police Station, Mumbai for offences under Sections 417, 418, 420, 465, 467, 468, 471, 472, 170 and 120-B of Indian Penal Code.

2. The applicant was arrested on 23<sup>rd</sup> December 2020. The case of the complainant is that he is the resident of Jharkhand. He was looking for admission of his daughter in Government Medical College Lokmanya Tilak Hospital, Sion from government quota for MBBS course and therefore in the name of college fees, donation and other expenses he paid Rs.30 lakh and another Rs.5 lakh as commission in cash and demand draft of Rs.1,03,300/- in the name of college to one Nikhil Srivastav. The total amount of Rs.36,03,000/- was parted by the complainant to the accused. The applicant had allegedly posed himself as Nikhil Srivastava. In furtherance of common intention shared with other accused, the complainant was deceived.

3. The applicant was produced before concerned Court for remand from time to time and he was subjected to custody. The applicant had preferred application for bail before Sessions Court which has been rejected by order dated 9<sup>th</sup> February 2021.

4. Learned advocate for applicant submitted that the applicant is in custody for substantial period of time. The dispute has been amicably settled with the complainant. The complainant has filed affidavit before Sessions Court supporting prayer for bail to applicant. Both the sides have preferred application for quashing the FIR by consent, which is pending.

5. The complainant is represented by advocate. The complainant was also represented before the Sessions Court. Advocate for complainant submits that in view of settlement, the complainant has no objection for grant of bail to the applicant.

6. Learned APP submitted that in spite of settlement application for bail was rejected by the learned Trial Judge. The offence is of serious nature. The applicant is also involved in act of forgery. The complainant was cheated. The manner in which offence was committed does not deserve grant of bail to the applicant.

7. Apart from the fact that both the sides have settled the dispute, the applicant is in custody from 23<sup>rd</sup> December 2020. The affidavit filed by the complainant indicate that grievance made by complainant in the FIR with regards to his financial dealings with complainant and other persons have been addressed by the applicant

and/or their relatives and therefore he has decided not to precipitate the matter any more and agreed to quash the FIR. In the light of aforesaid circumstances, further detention of the applicant is not necessary. Hence, I pass following order :

**ORDER**

- (i) Bail Application is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No..257 of 2020 registered with Sion Police Station, Mumbai, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Sion Police Station once in three months on first Saturday of the month between 11 am and 1 pm till further orders;
- (iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties.

(PRAKASH D. NAIK, J.)

MST