

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.413 OF 2018**

Mihir Dinesh Dodia .. Applicant

vs.

The State of Maharashtra and anr. .. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.354 OF 2018**

Navin S. Bhanushali .. Applicant

vs.

The State of Maharashtra and anr. .. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.376 OF 2018**

Jayshree Dinesh Dodia .. Applicant

vs.

TThe State of Maharashtra and anr. .. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.385 OF 2018**

Ajay P. Wala .. Applicant

vs.

The State of Maharashtra and anr. .. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.467 OF 2018**

Dinesh Haribhai Dodia .. Applicant

vs.

The State of Maharashtra and anr. .. Respondents

Mr. Mahesh Vaswani a/w Mr. Asutosh Shukla, Dharini Nagada,
Shreya Tiwari for the Applicant in all A.B.A.

Mr. S.V. Gavand, APP for the State.

Mr. R.J. Sawant for Intervener (Original Complainant).

Mr. C.B. Landge, P.I., Ghatkopar Police Station present.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 18, 2021

P.C.

Heard learned counsel for the parties.

2. Considering the controversy, the applications are being dealt with by this common order. The dispute is *inter se* partners. In respect of the partnership business regarding the accounts of the partnership, certain disputes arose and the allegations of misappropriation of partnership funds are levelled by the first informant. Accordingly MECR No.1 of 2017 came to be registered with Ghatkopar Police Station under Section 406, 420, 466, 467, 468, 471, 506(2) read with 34 of the Indian Penal Code at the instance of one of the partners viz. the first informant.

3. The applicants were granted interim pre-arrest bail by this Court pursuant to orders passed in their respective applications, the first one being 06.03.2018 in Anticipatory Bail Application No.413 of 2018.

4. Learned counsel for the parties submitted that during the pendency of the application, the partners decided to submit to arbitration to resolve their disputes. During the course of arbitration proceedings, the consent terms came to be filed and the disputes between the partners *inter se* have been settled as reflected in the consent terms. Learned counsel submits that even

the Arbitrator on 17.08.2021 passed a consent award recording the same. Learned counsel for the first informant submits that so far as the disputes between first informant and accused Nos.1 to 4 who are the applicants in Anticipatory Bail Application No.413 of 2018, Anticipatory Bail Application No.376 of 2018, Anticipatory Bail Application No.385 of 2018 and Anticipatory Bail Application No.467 of 2018 are concerned, the same are resolved and stand settled. He has no objection if the applicants are granted pre-arrest bail.

5. He further submits that so far as Anticipatory Bail Application No.354 of 2018 (filed by Original Accused No.5) is concerned, the dispute has not been settled.

6. Learned APP opposed the applications and submitted that the role of the accused Nos.1 and 5 is identical and they joined hands to cheat the first informant. In my opinion, now that the Arbitrator has passed an award based on the consent between first informant and the other accused Nos.1 to 4 and the partnership disputes between these partners stand settled, the applicants in Anticipatory Bail Application No.413 of 2018, Anticipatory Bail Application No.376 of 2018, Anticipatory Bail Application No.385 of 2018 and Anticipatory Bail Application No.467 of 2018 deserve to be released on pre-arrest bail. Even the first informant does not object to this course. It is also a material to state that the applicants are on pre-arrest bail since 06.03.2018. Learned counsel

for the applicants submits that they have attended the police station and in any case willing to co-operate with the Investigating Officer despite the settlement recorded. The first informant and the accused Nos.1 to 4 say that appropriate proceedings are being taken recourse to for quashing of the MECR by consent. Hence, the following order :-

ORDER

(i) In the event of the arrest of the Applicants in Anticipatory Bail Application No.413 of 2018, Anticipatory Bail Application No.376 of 2018, Anticipatory Bail Application No.385 of 2018 and Anticipatory Bail Application No.467 of 2018 in connection with C.R. No. MECR No.1 of 2017 registered with Ghatkopar Police Station, the applicants be enlarged on bail on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicants shall report to the Investigating Officer as and when called.

(iii) The Anticipatory Bail Application No.354 of 2018 to be detagged and the same be listed on 30.08.2021. The interim order in Anticipatory Bail Application No.354 of 2018 to continue till then.

7. Anticipatory Bail Application No.413 of 2018, Anticipatory Bail Application No.376 of 2018, Anticipatory Bail Application No.385 of 2018 and Anticipatory Bail Application No.467 of 2018 are disposed of.

(M.S.KARNIK, J.)