

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019**

Pankti Jignesh Goradia ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

WITH
INTERIM APPLICATION NO. 1519 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019

Rupali Amit Mullick ... Intervenor
V/s.
The State of Maharashtra & Anr. ... Respondents

WITH
CRIMINAL APPLICATION (APPP) NO. 1219 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019

Amit Sushil Agarwal ... Intervenor
V/s.
The State of Maharashtra & Ors. ... Respondents

WITH
CRIMINAL APPLICATION (APPP) NO. 646 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019

Rakesh Kumar & Ors. ... Intervenor
V/s.
The State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 1042 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019

Uday Koli ... Intervenor
V/s.
The State of Maharashtra & Anr. ... Respondents

**WITH
CRIMINAL APPLICATION (APPP) NO. 629 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019**

Vishal Gupta ... Intervenor
V/s.
The State of Maharashtra & Ors. ... Respondents

**WITH
CRIMINAL APPLICATION (APPP) NO. 621 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 645 OF 2019**

Anand Gopi
Through its POA Jithin Sarma ... Intervenor
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr.Niranjan Mudargi i/b. Ms.Vrishali Raje for Applicant in ABA/645/2019.
Mr.Mahesh Menon, Senior Advocate for Intervenor in APPP/1219/2019.
Mr.Niranjan Kandade for Intervenor in IA/1042/2019.
Mr.Vanun Mumniya for Intervenor in APPP/646/2019.
Mrs.Rutuja Ambekar, A.P.P. for Respondent-State.

**CORAM : A.S. GADKARI, J.
DATE : 17th July 2021.
(Through Video Conferencing)**

PC. :

1. By a Speaking Order dated 27th March 2019, the Applicant was granted interim relief.

A statement was made on 27th March 2019 that, the Applicant was contemplating to resolve the dispute amicably with the investors in the project of development of property, which was undertaken by the Applicant along with her husband.

2. Today, Mr.Mundargi, learned counsel for Applicant in ABA/645/2019 tendered across the bar a 'Project Completion Agreement' dated 3rd October 2020, executed by the Applicant and the flat purchasers of Dharamraj Maple Ivy B Wing Co-operative Housing Society Limited and submitted that, the Applicant has settled the matter with all the flat purchasers. He on instructions further submitted that, the Applicant has also executed 'Consent Terms' dated 24th March 2019 with other investors. He submitted that, thus the interest of all the investors in the said project have been taken care of by settlement.

He submitted that, there is a provision made in the 'Project Completion Agreement' that, in case of any default in compliance of terms of the said agreement by the Applicant, her bail will be cancelled on an application made by the investors/intervenors.

Mr.Mundargi further on instructions submitted that, as of today

the Applicant is pregnant of 7 and half months.

3. As the Applicant has settled the matter amicably with all the concerned investors, the grievance of investors as of today does not survive. The learned Advocates appearing for the respective investors/intervenors consented to the said situation and they jointly submitted that, the Applicant may be protected by pre-arrest bail. The intervenors however reserve their right to file application for cancellation of bail, in case the Applicant commits default in complying with the terms of 'Project Completion Agreement' dated 3rd October 2020 and the 'Consent Terms' dated 24th March 2019.

4. Mr.Menon, learned counsel appearing for the intervenor in Intervention Application No. 1219 of 2019 submitted that, the Applicant has given his clients (04) post dated cheques of Rs.5,00,000/- each and in case any of the cheque is dishonoured on presentation, he may be granted liberty to file an application for cancellation of bail of the Applicant. Liberty as prayed for by Mr.Menon is granted.

5. In view of the settlement arrived at between the aforestated parties, the Applicant deserves to be protected by pre-arrest bail.

Interim relief, granted by Order dated 27th March 2019 is confirmed.

6. Anticipatory Bail Application No.645 of 2019 is accordingly allowed.

7. In view of disposal of Anticipatory Bail Application No.645 of 2019, Intervention Application Nos.1519 of 2019, 1042 of 2019 and Criminal Application (APPP) Nos.1219 of 2019, 646 of 2019, 629 of 2019, 621 of 2019 do not survive and are accordingly disposed off. However, liberty to concerned investors is granted, as noted in para Nos.3 and 4 above.

[A.S. GADKARI, J.]