

Bhogale

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

ANTICIPATORY BAIL APPLICATION NO.781 OF 2017

Virendra Natwarlal Bhayani and anr. .. Applicants

vs.

The State of Maharashtra and anr. .. Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.2157 OF 2018**

Nilesh Natwarlal Bhayani and anr. .. Applicants

vs.

The State of Maharashtra and anr. .. Respondents

Mr. Karma Vivan for the Applicants in ABA/781/2017.

Mr. Gajendra K. Jadhav for the Applicants in ABA/2157/2018.

Mr. N.B. Patil, APP for the Respondent-State.

CORAM : M.S.KARNIK, J.

DATE : JULY 8, 2021

(THROUGH V.C.)

P.C.

The dispute arose between two partners of partnership firm who are real brothers. The allegation was regarding the siphoning of the moneys from the partnership firm. Against Virendra Natwarlal Bhayani, the Applicant in Anticipatory Bail Application No.781 of 2017, FIR No.89 of 2017 was filed by the complainant Nilesh Natwarlal Bhayani under Sections 408, 420, 34 of the Indian Penal Code.

2. In Anticipatory Bail Application No.2157 of 2018 FIR being M.E.C.R. No.09 of 2018 came to be registered with the Pantanagar Police Station against Nilesh Natwarlal Bhayani by the complainant Virendra Natwarlal Bhayani. These are cross FIRs. By an interim order passed by this Court the Applicants were directed to be released on bail in the event of their arrest.

3. Learned counsel for the Applicants submits that the Applicants have now resolved the disputes and have filed the consent terms in Arbitration Petition (L) No.5159 of 2020. By an order dated 06.11.2020 this Court accepted the consent terms as a consequence of which the arbitral proceedings terminated after recording that there are no surviving disputes. The Arbitration Petitions were disposed of. Learned counsel for the Applicants submit that the dispute has been resolved and in view of the amicable settlement between brothers, respective complainant has no objection if the Applicants are released on pre-arrest bail. Learned counsel also submitted that proceedings have been filed for quashing of the FIRs in this Court.

4. Learned APP submitted that in the likelihood of the proceedings not being quashed, the liberty to investigate be kept open. It is obvious that the investigation would abide by such orders as may be passed in the Petitions filed for quashing of the FIRs. However, in view of the settlement arrived at and the consent terms which are produced on record and marked as Exhibit

'X' for identification, there is no reason to deny pre-arrest bail to the Applicants. Hence, the following order :-

ORDER

(a) Anticipatory Bail Application No.781 of 2017 is allowed in the following terms :-

(i) The Anticipatory Bail Application is disposed of in terms of the interim order dated 02.05.2017 passed by this Court.

(ii) In the event of arrest of the Applicants in C.R. No.89 of 2017 registered with M.R.A. Marg Police Station, Mumbai, the Applicants shall be released on bail on their furnishing PR Bond of Rs.20,000/- each with one or two solvent local sureties in the like amount.

(b) Anticipatory Bail Application No.2157 of 2018 is allowed in the following terms :-

(i) The Anticipatory Bail Application is disposed of in terms of the order dated 19.10.2018 passed by this Court.

(ii) In the event of arrest of the Applicants in connection with M.E.C.R. No.9 of 2018 registered with Pantanagar Police Station, the Applicants be released on bail on furnishing PR Bond of Rs.20,000/- each with one or more sureties in the like amount.

5. Anticipatory Bail Applications are disposed of.

(M.S.KARNIK, J.)