

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.996 OF 2019

Aniket Gajanan Dalvi and another	Applicants
versus	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPLICATION NO.981 OF 2019

Joseph Mathew and others	Intervenor
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In the matter between :

Aniket Gajanan Dalvi and another	Applicants
versus	
The State of Maharashtra	Respondent

AND
CRIMINAL APPLICATION NO.1011 OF 2019

Anagha A. Khedekar and another	Intervenors
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In the matter between :

Aniket Gajanan Dalvi and another	Applicants
versus	
The State of Maharashtra	Respondent

AND
CRIMINAL APPLICATION NO.991 OF 2019

Neha abhijeet Gawade and others	Intervenors
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In the matter between :

Aniket Gajanan Dalvi and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Pradeep M. Patil with Adv.Revati a. Tatkare and Mr.pravin B. Gole
for applicants in ABA.

Mr.Y.Y.Dabake, APP, for State.

Mr.Rajeev R. Sharma i/by Satish Joshi in APPPNos.981/2019 and 1011/2019.

Mr.Rajeev Sharma i/by Mr.Samir Singh in APPPNos.991/2019.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th August 2021

PC :

1. The applicants have preferred anticipatory bail application apprehending arrest in CR No.45 of 2019 registered with Nerul Police Station, District Thane, for offences under Section 420 r/w 34 of Indian Penal Code. The FIR was registered on 22nd January 2019.

2. The allegations in the FIR in nutshell is that since December-2013 the accused had made promises to the complainant and others about providing non-agriculture plot and collected amounts from them.

3. Learned counsel for applicants Mr.PM.Patil submitted that the dispute has been resolved between parties. The affidavit executed by Mr.Joseph Mathew, who is the first informant in this case, was tendered during the course of hearing of this application. The said affidavit is taken on record. In the said affidavit it is stated that the FIR was lodged by him along with eight other persons on account of delay and inability to allot non-agriculture plot at Survey No.28, Hissa No.1 from the revenue village Muchane, Taluka Roha, District Raigad, as premises under the agreement executed between parties. The complainant and eight others have filed intervention applications before this Court. During the pendency of application, the parties have explored possibility of settlement. The non-agriculture plots have been allocated at Survey No.40, Hissa No.1

from revenue village Muchane, Taluka Roha, District Raigad. The complainant and others have formed registered society and alternate land has been transferred in the name of society by applicants. The applicants have agreed and undertaken that they will hand over all the original documents, sale deeds executed between the parties. The complainant and others have no grievance against applicants. The intervenors are represented by Advocate Mr.Rajeev R. Sharma He confirmed the settlement and submitted that parties have arrived at amicable settlement. Mr.Patil has also tendered compilation of documents viz. Photocopy of registration certificate issued by Assistant Registrar, Co-operative Societies, Roha; photocopy of Deed of Conveyance dated 16th January 2020 and the photocopy of affidavit of the first informant dated 18th September 2020.

4. In the light of aforesaid circumstances, the applicants need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) ABA No.996 of 2019 is allowed and disposed of;
- (ii) Interim order dated 24th April 2019 is confirmed;
- (iii) In the event of arrest of applicants in ABA in connection with CR No.45 of 2019 registered with Nerul Police Station, the applicants be released on bail on their executing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iv) Criminal Application Nos.981, 1011 and 991 of 2019 stand disposed of.

(PRAKASH D. NAIK, J.)