

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

ANTICIPATORY BAIL APPLICATION NO.2019 OF 2021

Manish Agarwal

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

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Mr.Ashok Mishra a/w. Mr.Viral Bhanushali and Mr.Vishal Adkale
i/b. M/s.Solicis Lex, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

Mr.Avinash Kamble, Advocate for Respondent No.2.

PSI Tanaji Patil, Vanrai Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 8, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.55 of 2021, registered with Vanrai Police Station, Mumbai, for the offences punishable under Sections 406 and 420 of Indian Penal Code (“IPC”, for short).

2 This application was heard on 26th August, 2021. The applicant was directed to implead the complainant as party respondent. Amendment is carried out and complainant has been impleaded, as respondent no.2.

3 The grievance of the complainant was that he had booked a tour at Japan on 2nd November, 2019, with Neem Holidays Private Limited and paid Rs.4,23,400/-, in four installments. The complainant and others addressed letter to the applicant stating that due to outbreak of pandemic Covid-19, they wish to cancel the tour and requested him to refund the amount.

4 Learned counsel for the applicant, on instructions, has submitted earlier that he would refund the amount of Rs.4,23,400/-, to the complainant and his wife after deducting Visa charges. In the previous order, it was observed that the company could not proceed the tour schedule due to outbreak of pandemic Covid-19, and the cheating is not borne out.

5 Learned counsel for the applicant and the complainant jointly submitted that the dispute between both the parties have been resolved. The applicant has paid the amount of to the complainant by way of Demand Draft. The MOU is taken on record.

6 Learned APP submitted that the oral directions of this Court to ascertain the grievance of the other persons, if any, were

complied and their statements were recorded. They have been given the credit note and they would travel in future.

7 Since the dispute is resolved with the complainant and considering the factual aspects, this application can be allowed.

:: ORDER ::

- (i) Anticipatory Bail Application No.2019 of 2021, is allowed;
- (ii) In the event of arrest of applicant in connection with C.R.No.55 of 2021, registered with Vanrai Police Station, Mumbai, he be released on bail on executing P.R.Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Anticipatory Bail Application No.2019 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)