

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2114 OF 2021

Jitesh Shantilal Patel	Applicant
versus	
The State of Maharashtra	Respondent

AND

ANTICIPATORY BAIL APPLICATION NO.2116 OF 2021

Kantilal Devashi Patel	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Niranjan Mundargi i/by Mr.Shivkumar R. Gupta, Advocate, for applicants.

Mr.Jitendra Ahuja, Advocate for informant in both applications.

Mr.Y.Y.Dabake, APP, for State in ABA.2114/2021.

Mr.S.H.Yadav, APP, for State in ABA.2116/2021.

API Pravin Patil, Tilak Nagar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th September 2021

PC :

1. Leave to amend the cause title of both the applications to implead complainant. Amendment be carried out forthwith.
2. The applicants are apprehending arrest in CR No.220 of 2020 registered with Tilak Nagar Police Station for offences under Sections 406, 420, 467, 471 r/w 34 of Indian Penal Code.
3. The tenor of the FIR indicate that the dispute between the parties relate to money which was allegedly handed over to the

accused for being deposited in the bank and that the cheque with forged signature of complainant was deposited in the bank and the amount of Rs.90 lakh was withdrawn.

4. The complainant is represented by learned advocate in both applications. It is jointly submitted that the dispute between both the parties is settled and the settlement agreement/memorandum of understanding has been executed between them on 23rd August 2021. The memorandum of understanding indicate that applicants had agreed to make the payment good to the complainant within stipulated time. The schedule of payment has been provided in the memorandum of understanding. It is agreed that the applicants would pay Rs.1.80 crores to the complainant and Rs.20 lakh has already been paid to the complainant. The balance amount is of Rs.1.60 crores.

5. Learned counsel for complainant submitted that the complainant is present in the Court and in view of settlement, he has no objection for allowing these applications. Learned APP submitted, on instructions, that intimation about settlement has been given to the Investigating Officer by concerned parties.

6. In view of the aforesaid circumstances, the applications can be allowed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application Nos.2114 of 2021 and 2116 of 2017 are allowed and disposed of;
- (ii) In the event of arrest of applicants in CR No.220 of 2020

registered with Tilak Nagar Police Station, the applicants be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants shall abide by the Memorandum of Understanding dated 23rd August 2021 and in the event of breach of any of the conditions of Memorandum of Understanding or non compliance of the Memorandum of Understanding, the complainant and/or the prosecution would be at liberty to prefer application for cancellation of anticipatory bail granted to the applicants.

(PRAKASH D. NAIK, J.)

MST