

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

ANTICIPATORY BAIL APPLICATION NO. 2141 OF 2019

Maniben Devraj Shah & Anr. ..Applicants

v/s.

The State of Maharashtra & Anr. ..Respondent/s

Mr. Amarendra Mishra for the Applicant/s.
Mr. P.H.Gaikwad, APP for the Respondent-State.
Mr. Rakesh Kumar Singh for the Respondent No.2.
Mr. S.V.Gavand, Mediator Appointed.
Mr. Khandare, PSI, Dahisar Police Station present.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 13th DECEMBER, 2021.**

P.C.

1. The Applicant herein has filed this Application under Section 438 of Cr.PC. apprehending their arrest in Crime No. 681 of 2018 registered with Dahisar Police Station, Mumbai for offences under Section 420, 406, 418 r/w. 34 of the Indian Penal Code.
2. The Respondent No.2 had lodged the FIR alleging that the Applicants and the other partners of Shree Shivkrupa Builders had agreed to sell shop No.502 at Devraj Mall, Dahisar and had received Rs.16,00,000/- towards consideration. It was alleged

that despite receiving the said consideration, the Applicants and other had refused to enter into registered agreement.

3. On 25.8.2021, the Applicants and Respondent No.2 had stated that an endeavor would be made to resolve the dispute amicably, and had suggested the name of Shri S.V.Gavand, learned APP to assist them in arriving at the settlement.

4. Pursuant to the intervention and mediation of Shri Gavand, learned APP, the parties have finally settled the dispute amicably. They have placed on record the terms of settlement. It is stated that the Applicants are senior citizens and are not in a position to appear before the Court and they have signed the terms in presence of their Counsel. Mr. Mishra, learned Counsel for the Applicants and Shri Gavand state that the Applicants have confirmed the terms and have agreed to settle the dispute as per the terms. The said terms are taken on record and marked "X" for identification.

5. The offences are compoundable, since the parties have resolved the dispute amicably, in my considered view, this would be a fit case to grant pre-arrest bail. Hence, in the event of arrest in C.R.No.681 of 2018 registered with Dahisar Police Station,

Mumbai, the Applicants shall be released on P.R. Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with one or two sureties in the like amount .

6. The parties to file appropriate proceedings before the appropriate Court to compound the offence or quash the FIR, if required.

7. This Court places on record its great appreciation of the assistance rendered by Shri Gavand in assisting the parties in resolving the dispute and arriving at an amicable settlement.

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(ANUJA PRABHUDESSAI, J.)