

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.2491 OF 2019
WITH
INTERVENTION APPLICATION NO.1393 OF 2019**

**VISHAL
SUBHASH
PAREKAR**

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2021.10.30
17:01:20 +0530

Devji Gela Bera and Ors.

...Applicants

vs.

The Senior Inspectors of Police,
Santacruz police station, EOW,
and Another

...Respondents

Mr. S.I. Memon a/w. Ibrahim Memon, for the Applicants
Ms. Anamika Malhotra, APP for the Respondent-State.

**CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 30, 2021**

P.C.:

. Heard the learned counsel for the applicants, learned APP for the State and the learned counsel for the first informant Mr. Mansukh Shah.

2. Apprehending the arrest in C.R.No.564 of 2018 registered with Santacruz police station, Mumbai which subsequently came to be transferred to EOW and re-registered as C.R.No. 99 of 2018, the applicants have preferred this application for pre arrest bail.

3. The gravamen of indictment against the applicants is that since 2014 the applicants induced the first informant to part with

the sum of Rs. 5,90,00,000/- by falsely representing that they will sale the shops in Ramdev Plaza.

4. By an order dated 15th November, 2019 this Court had granted ad-interim relief, noting, inter alia, that the first informant had also initiated proceeding for recovery of the said amount being Commercial Suit (L) No. 123 of 2019 against the applicants.

5. The learned counsel for the applicants and the first informant submit that the dispute has now been amicably resolved between the applicants and the first informant and a M.O.U has been executed on 18th September, 2021.

6. In view of the settlement of the dispute, the genesis of which appears to be in a commercial transaction, at this juncture, the custodial interrogation of the applicants does not seem warranted. Thus, for the present, it may be expedient to confirm the order dated 15th November, 2019. The learned counsel for the first informant expressed an apprehension that in the event of non compliance of the terms in the M.O.U., the first informant may be left in the lurch.

7. It would be suffice to observe that since the anticipatory bail is granted on the basis of settlement arrived at between the parties, the first informant shall have liberty to take out the appropriate proceeding.

8. With the aforesaid clarification, the application stands allowed.

9. The interim order dated 15th November, 2019 is made absolute on the same terms and conditions.

10. In the event, the charge sheet is lodged, the applicants shall regularly attend the proceeding before the jurisdictional Court.

11. The anticipatory bail application stands disposed of.

12. Accordingly, the intervention application also stands disposed of.

(N. J. JAMADAR, J.)