

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2646 OF 2018

Dilip Jagdish Sharma	... Applicant
versus	
The State of Maharashtra	 Respondent

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Ms. Sana Raees Khan, for the Applicant.
Mr. S. H. Yadav, APP for State-Respondent.
Mr. Kushal Ambulkar h/f Pawar Mali for Intervener.

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CORAM : SARANG V. KOTWAL, J.
DATE : 11th FEBRUARY, 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.572/2018 dated 28th November 2018 registered at Sangavi Police Station, Dist. Pune under Sections 406 and 420 of Indian Penal Code.

2. The gist of the F.I.R. lodged by the first informant is that, the applicant had promised to sell two expensive cars to the first informant. The first informant in turn paid big amount. The F.I.R. mentions that amount of Rs.1,15,83,000/- was paid. The

allegations are that initially the cars were given to the first informant, but subsequently they were taken back. The allegations are that the first informant did not have cars and the money which he had paid for purchase of those cars was also lost. It was misappropriated by the applicant. On this basis, the F.I.R is lodged.

3. Heard Ms. Sana Raees Khan, learned Counsel for the applicant, Mr. S. H. Yadav, learned APP for State and Mr. Kushal Ambulkar, learned Counsel for the Intervener.

4. The order dated 13th June 2019 records that the learned Counsel for the applicant had made a statement that the amount of Rs.1,14,00,000/- was already refunded to the first informant. The only remaining amount of Rs.1,83,000/-. It was submitted that to establish his bonafides, the applicant had deposited Rs.5 Lakh in this Court. On that occasion, learned Counsel for respondent No.2-original first informant had disputed this position. However, the settlement talks were in progress subsequently. The matter was adjourned from time to time at the request of both the sides.

5. Today, the first informant has filed his Affidavit before

this Court which is taken on record and marked “X” for identification. In the said Affidavit, in paragraph 3, the first informant has given his irrevocable consent for allowing this anticipatory bail application. In paragraph 4, he has stated that he was withdrawing all the allegations made against the applicant.

6. In view of this settlement, the custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order.

ORDER

(i) In the event of his arrest in connection with C.R.No.572/2018 registered at Sangavi Police Station, Dist. Pune, the Applicant be released on bail on his executing PR Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)