

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

ANTICIPATORY BAIL APPLICATION NO. 303 OF 2022

Arvind Pandurang Barke and Ors. ..Applicants

V/s.

The State of Maharashtra ..Respondent

Ms. Rekha Musle with Vrunda Surve for the Applicants.

Mr. A.R. Kapadnis, APP for the Respondent/State.

Ms. Pushpa Thapa for the complainant.

CORAM : C.V. BHADANG, J.

**DATE : 11 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

1. The Applicants, apprehending their arrest in connection with the investigation of Crime No. 202 of 2021 registered with Samarth Police Station, Dist. Pune under Section 406, 420, 423, 465, 467, 474, 504 and 506 of I.P.C. are seeking pre-arrest bail.

2. The aforesaid offence is registered on the basis of the complaint lodged by Ravindra Mohite on 15.06.2021. In short, according to the first informant, he had paid an amount of Rs.1,16,00,000/- to the Applicants by RTGS entries as he was assured with a partnership in a petrol pump business, which never

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materialised. Thus, according to the first informant, he has been cheated by the Applicants.

3. I have heard the learned counsel for the parties.

4. Today an affidavit styled as 'Consent Terms' has been filed by the parties on record, which are marked as 'X' for identification. It appears that the parties have executed Memorandum of Understanding on 09.02.2022, thereby reaching an agreement in respect of the dispute which predominantly appears to be a civil dispute as to the monetary claim.

5. Considering the over all circumstances and the fact that the complainant has now withdrawn all the allegations against the Applicants, the following order is passed:

ORDER

i) In the event of their arrest, in connection with the investigation of Crime No. 202 of 2021 registered with Samarth Police Station, Dist. Pune, the Applicants shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.

iii) The Applicants shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

6. The Criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)