

Mansoor Haidar Nakade and anr .. Applicants
Versus
The State of Maharashtra & Anr .. Respondents
...

Ms.A.A.Takalkar, APP for the State.
PSI Shri D.S.Patil from Rabodi police station.

CORAM: BHARATI DANGRE, J.
DATED : 13th SEPTEMBER, 2022

P.C:-

1 As expressed on the earlier date, the parties have worked the settlement amongst themselves and filed consent terms, wherein they state that they have amicably resolved the dispute, which is the subject matter of C.R, which invoke Sections 420, 465, 467, 468, 471 r/w Section 34 IPC against the two applicants.

2 The Consent Terms signed by the applicant nos.1 and
2 in presence of their respective Advocates are taken on record
and marked as 'X' for identification.

3 The terms of Consent record that the applicant nos.1 and 2 have amicably settled the dispute with the complainant, and in pursuance thereof, the applicant no.1 has handed over 6(six) post dated cheques, whereas applicant no.2 has handed over 6(six) post dated cheques in favour of the complainant. They have also undertaken that they will ensure that the cheques are honored.

It is also agreed between the parties that they shall file appropriate proceedings for quashing of the FIR in the wake of the settlement arrived and the complainant shall render his co-operation, if such proceedings are instituted. Apart from this, the applicants have undertaken to withdraw R.C.Suit No.518/2021 pending before the Civil Judge, Sr. Division, Thane, which is lodged against the original complainant within a period one week.

In the wake of the said statement, I do not think that the custody of the applicants is necessary in the subject C.R and they deserve their release on bail.

4 The order shall however, be subject to the stipulation that the cheques issued in favour of the complainant being honored by applicant nos.1 and 2 and reserving liberty in them, to take appropriate steps, in case they are dishonored. Hence, the following order :-

ORDER

- (a) In the event of their arrest, the Applicant no.1 Mansoor Haidar Nakade and applicant no.2 Parvez Papalal Shaikh in connection of C.R.No.91/2022 registered with Rabodi police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.
- (d) The applicants shall ensure that the cheques issued to the complainant which find mention in the consent terms marked "X" shall be honored, as undertaken.

(SMT. BHARATI DANGRE, J.)