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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1921 OF 2022**

Swaran Avtar Taneja	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.S.K. Pandey i/b Pankaj Dwivedi for the Applicant.

Smt.A.A. Takalkar, APP for the State.

API Ganesh Gayake, Oshiwara Police Station present.

Jitendra Patwa- Complainant present.

CORAM : BHARATI DANGRE, J

DATE : 12TH AUGUST, 2022.

P.C.

1] The learned counsel for the Applicant submits that the Applicant has deposited an amount of Rs.3 Lakhs in this Court on 30.07.2022 and in his application in Para 9 he has made following statement :

“9. Besides the statement recorded by investigating officer the Applicant agreed to pay the amount of consideration to first informant in the following manner :

- a) Rs.3,00,000/- within a week time.
- b) Rs.3,00,000/- after two months on 05.09.2022.
- c) Rs.4,00,000/- after four months on 05.11.2022.
- d) Balance amount of Rs.4,05,000/- on 07.01.2023.”

2] The applicant is facing accusation in CR No.1036/2022 which invoke offences punishable under Section 406, 420 read with 34 of the

Indian Penal Code. The complainant alleged that as a consideration for the flat to be sold an amount of Rs.14,05,000/- was made by him to realise that the plot would be made available.

3] On notice being issued the complainant is present in the Court. He is identified through API Ganesh Gayake who is present in the court. The complainant states that he is ready to accept the refund of the amount in tranches as undertaken by the Applicant in his application and he will have no grievance against him. The complainant states that he has no objection for quashing of the FIR in case the Applicant choose to file a Petition seeking quashing under the subject CR.

4] Accepting the statement made in Para 9 of the application and since the complainant is satisfied with the arrangement set out by the Applicant for repayment of the same which is received by him, custodial interrogation of the Applicant is not warranted and the Applicant is entitled for protection from arrest.

Needless to state that the complainant shall be permitted to withdraw the amount of Rs.3,00,000/- which is deposited in this Court by establishing his identity.

Hence, following order :

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.1036/2022 registered with Oshiwara Police Station, the applicant Swaran Avtar Taneja 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.

(c) The applicant shall report to the concerned police station as and when called for.

(d) The Applicant shall adhere to his statement reproduced above and contained in Para 9 of the application.

Failure to adhere to the terms as undertaken will result in cancellation of present order.

(e) The applicant 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.

[BHARATI DANGRE, J]