

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

ANTICIPATORY BAIL APPLICATION NO. 2237 OF 2021

Satish Vasant Agale	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Silvin Kale for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Mr. Deepak Chitnis for the complainant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.296/2019 registered with Tilak Nagar Police Station for offence under section 420 of the Indian Penal Code.

2. Heard Mr. Silvin Kale, learned counsel for the Applicant, Mr. Deepak Chitnis, learned counsel for the complainant and Ms. A.A. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Prasanna Laxman Naik. The case of the complainant was that he was in need of premises for using it as a godown. The Applicant reported that he was the owner of the premises and he was willing to let out the premises on rent of Rs.18,000/- per month. The said proposal was accepted by the complainant. The complainant transferred Rs.2,59,000/- by RTGS and some amount in cash and thus paid to the Applicant, total amount of Rs.2,70,000/-. The Applicant neither gave the premises on rent nor refunded the money. Hence, the complainant filed a complaint alleging that the Applicant had cheated him.

4. It is to be noted that the matter was amicably settled between the parties. The Applicant had agreed to pay to the complainant Rs.3,30,000/-. The previous Bail Application was rejected as the Applicant had been repeatedly making promises which were not fulfilled. Learned APP states that the Applicant has now paid an amount of Rs.3,30,000/-. Mr. Deepak Chitnis, learned counsel for the complainant concedes that the amount has been paid.

5. In the light of the settlement between the parties and in view of

the payment of the agreed amount of Rs.3,30,000/-, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.296/2019 registered with Tilak Nagar Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Agency.

(c) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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