

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2305 OF 2022

Ashok Mangal Gawand .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Ganesh Gole with Vijendra S. Jabra, Shivkuar Mishra and
Vriddhi Maria for the applicant.
Mrs.A.A.Takalkar, APP for the State.
PI Shri Sanap Parksit police station.
Shri Pravin Wagh complainant present in Court.

CORAM: BHARATI DANGRE, J.
DATED : 25th AUGUST, 2022

P.C:-

1 On 3/8/2022, the applicant had withdrawn his application, since I had expressed my disinclination to entertain the same, on examining the nature of accusations levelled in the complaint which resulted in registration of C.R.No. 542/2022.

 Subsequent to the said order, two co-accused approached this Court, one being Tejas Chhaganlal Patel (ABA No.2155/2022) and Ddissa Soraas (ABA No. 2281/2022).

2 Tejas Patel filed an affidavit cum undertaking before the Court that he is ready to repay the entire amount of Rs.20

lakhs which was alleged to have been received by him as a part of the transaction, and accordingly, he handed over a demand draft of Rs.Five lakhs to the complainant and before the Court, he filed an undertaking to make payment of Rs.15 lakhs along with compensation of Rs.One lakh on or before 31/12/2022.

In the presence of the complainant, the undertaking was accepted and interim protection was granted, subject to the filing of an affidavit. The affidavit was accordingly filed and since the complainant expressed his satisfaction about the same, the interim relief in favour of Tejas Patel was confirmed.

3 As far as Ddissa Soraas is concerned, since no amount had gone to her kitty, but she was alleged to be the person who had introduced the complainant to Tejas Patel, even she was held entitled for the relief and protection in her favour, was also confirmed. Today, the applicant specifically make a statement that though no amount is received by him, as per the allegations in the complaint, he is alleged of conspiring with other co-accused, and it is alleged that the complainant at his instance, and with the intervention of the other co-accused had directed the amount to be deposited in the account of Mukesh Kumar Mahatao and Abhishek Kumar Mandal along with the complainant being required to part with the bracelet of Rs.One lakh.

4 The learned counsel Mr.Gole states that the applicant is ready with a demand draft of Rs.Six lakhs and during the course of hearing, it is handed over to the complainant who is present in the Court. The complainant had acknowledged receipt of the demand draft and the applicant has passed on the receipt to Mr.Gole. On this amount being received by the complainant, he has no grievance.

 However, since the amount was deposited on 18/9/2020 and 19/9/2020 in the two accounts, as per the directions of the applicant and Mantu Prasad, the applicant also undertake that he shall compensate the complainant by paying a sum of Rs.50,000/-, over and above, the amount of Rs.Six lakhs which has been tendered to him.

5 Mr.Gole states that the amount of Rs.50,000/- shall be made over to the complainant within a period of two weeks from today. The Investigating Officer shall ensure the payment of the said amount within a period of two weeks.

6 The complainant who is present in the Court also state that since he has received his amount back from the accused persons Tejas Patel and the present applicant – Ashok Gawand, he has no grievance against them, and he shall accord his no objection in quashing the subject FIR if an appropriate application is taken out by the applicants.

7 In the wake of the above, the custodial interrogation of the applicant is not necessary and the following order is passed :-

ORDER

- (a) In the event of his arrest, the Applicant – Ashok Mangal Gawand in connection of C.R.No.542/2022 registered with Park Site police station, Vikhroli 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 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.
 - (c) The Applicant shall make himself available as and when required by the Investigating Officer.
 - (d) The applicant shall deposit an amount of Rs.50,000/- in presence of the Investigating Officer within a period of two weeks.
4. The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)