

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2475 OF 2022

Padmakar Rajendra Dash & Ors.] .. Applicants

vs.

State of Maharashtra & Ors.] .. Respondents

WITH

WRIT PETITION NO.1485 OF 2022

Mansi Ashok Khandelwal & Ors.] .. Petitioners

vs.

State of Maharashtra & Anr.] .. Respondents

Mr.Ali Kaashif Khan i/b Riya Jain for the Applicant.

Mr.Abhishek Yende a/w Surabhi Agrawal for the Intervenor.

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

API Gokul Bhoi, Khar Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 30th SEPTEMBER, 2022.

P.C.

1] The present application is filed by Applicants, four in number, who seek protection from arrest in CR No.298/2021, which invoke offence under Section 420 read with 34 of the IPC.

2] On 17.09.2021 a similar application vide ABA No.1910/2021 was rejected on finding prima-facie substance in the nature of accusations and by holding that custodial interrogation of the Applicants is very much necessary.

This order was upheld on 28.10.2021 by the Hon'ble Apex Court and no indulgence was shown in the Appeal.

3] The Applicants came up with a proposal to settle the dispute with the complainant and some offer was given and quashing Petition came to be instituted before the Division Bench by the Applicants, with the complainant being impleaded as respondent. A prayer is made in the said WP No.1485/2022, that CR may be quashed since the dispute is being settled and in the wake of settled principle of law, that the dispute do not affect public peace or tranquility, the Petition was presented alongwith Consent Terms drawn on 04.05.2022.

The Division Bench on 13.06.2022, by perusing the Consent Affidavit expressed that the Petition deserves to be allowed, but notice was issued to Respondent No.2. Though it was initially argued that no coercive steps shall be taken against the Petitioners, since there was protection granted to the Applicants in the Anticipatory Bail Application, the said order was recalled.

4] I could have rejected the Anticipatory Bail Application on a simple ground that on merits it was once entertained and relief as sought was refused by the High Court and the said order was upheld by the Hon'ble Apex Court and subsequent Application seeking same relief is not maintainable.

5] I was about to follow this course of order, when the learned counsel for the Applicant made a categorical statement that the complainant on the basis of Consent Terms is making grievance that apart from part amount of Rs.38,00,000/- he is also entitled for additional amount of Rs.25,00,000/-. The learned counsel on

instructions of Applicants states that he shall deposit the same in this Court and this proposal satisfied the complainant.

6] Trusting the Applicants on one more occasion, I deem it fit to accord protection from arrest, subject to the stipulation, that the amount as undertaken shall be deposited within a period of 3 months from today.

The learned counsel for the Intervenor states that if there is any deviation in the same, the Respondent shall be at liberty to move application seeking cancellation of bail.

7] In the wake of aforesaid circumstances, I am inclined to allow the Application.

Hence, the following order :

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.298/2021 registered with Khar Police Station, the applicants Padmakar Rajendra Dash, Ragini Ashok Khandelwal, Mansi Ashok Khandelwal and Nikhil Natesan Mutthukrishnan, shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- each with one or more sureties of the like amount.

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

(d) 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 shall not tamper with evidence.

[BHARATI DANGRE, J]

This order stands corrected as per speaking to the minutes order dated 08.12.2022.