

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

ANTICIPATORY BAIL APPLICATION NO. 1354 OF 2023

Suraj Ramesh Chavan

... Applicant

v/s.

The State of Maharashtra and ors.

.... Respondents

Mr. Ritesh Thobde a/w. Mr. Changdev Shingade for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. Vaijnath Kakade, API, MIDC Police Station, Solapur City, present.

Mr. Sagar Tambe, appointed as amicus curiae for
Respondent Nos.2 to 8.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

. At the outset, learned counsel for the Applicant seeks leave to implead the other victims as Respondent Nos.3 to 8. Leave is granted. Amendment to be carried out forthwith. Respondent Nos.2 to 8 are present before the Court. Mr. Sagar Tambe, learned advocate is appointed as an amicus curiae to espouse the cause of Respondent Nos.2 to 8.

2. The Applicant apprehends his arrest in C.R.No.96/2023 registered with MIDC Police Station, Solapur for offences punishable under section 420 of the Indian Penal Code.

3. The aforesaid crime was registered pursuant to the FIR lodged by Alatmesh Hirapure. The allegations against the Applicant are that he had induced the first informant and others in paying an amount of Rs.32,48,300/- by deceiving them that he was in a position to provide jobs. Hence, the FIR.

4. Learned counsel for the Applicant states that the Applicant is ready to refund the money taken from the first informant and the other victims. The first informant and 06 other victims are present before the Court. They have placed on record consent terms which read thus :-

“ A. The parties have reached an amicable settlement in respect of the subject matter of the FIR bearing C. R. No. 96/2023 registered with MIDC Police Station, Dist. – Solapur for the offence punishable U/s. 420 of IPC, lodged against the Applicant above-named at the instance of Alatmash Sirajahmed Hirapure i.e. the Respondent No. 2.

B. In view of the discussions, the consent terms are recorded hereinbelow :

C. The applicant undertakes as under :

1. The Applicant Suraj Ramesh Chava Age: 34 years,

Occ: Business R/o: 174, Kittur Chinamma Nagar, Vijapur Road, Solapur, Dist. - Solapur; the Applicant in the above-captioned matter do hereby state on solemn affirmation as under :

2. I state that, I arraigned as an accused in C. R. No.96/2023 registered with MIDC Police Station, Dist. – Solapur for the offence punishable U/s. 420 of IPC, lodged at the instance of Alatmash Sirajahmed Hirapure. It is alleged by the Respondent No. 2 to 7 that the Applicant had taken the amounts specified below from them with assurance of giving employment.

3. The amounts received by the Applicant from the Respondent no. 2 to 8 are as below:

<i>From</i>	<i>Amount</i>
<i>Alatmash Sirajahmed Hirapure</i>	<i>6,50,000/-</i>
<i>Imran Dawood Peerzade</i>	<i>6,55,000/-</i>
<i>Azhat Shahapure</i>	<i>6,10,000/-</i>
<i>Makbool Shaikh</i>	<i>5,90,000/-</i>
<i>Kishor Lamture</i>	<i>1,00,000/-</i>
<i>Vasundhara Shivsharan</i>	<i>4,73,000/-</i>
<i>Rahul Uttam Patil</i>	<i>1,70,000/-</i>
<i>TOTAL</i>	<i>32,48,300/-</i>

4. The Applicant hereby accepts and acknowledge his liability to repay the said respect amount to the Respondent No. 2 to 8. The Applicant further states that the applicant was willing to repay the said amount however due to his medical condition, the applicant could not repay the said amount earlier.

5. *I state that, after consultations and meditation, I have agreed to pay the amount of Rs. 32,48,300/- (Rupees Thirty Two Lakh, Fourty Eight thousand and three hundred only) to the above named persons within six months from the date of signing these terms.*

6. *Schedule of Payment:*

<i>Slab</i>	<i>Percentage</i>	<i>Timeline to Pay the amount</i>	<i>Amount</i>
<i>Slab 1</i>	<i>15%</i>	<i>On or before 10/08/2023</i>	<i>4,87,245/-</i>
<i>Slab 2</i>	<i>15%</i>	<i>On or before 18/8/2023</i>	<i>4,87,245/-</i>
<i>Slab 3</i>	<i>15%</i>	<i>On or before 8/09/2023</i>	<i>4,87,245/-</i>
<i>Slab 4</i>	<i>15%</i>	<i>On or before 29/09/2023</i>	<i>4,87,245/-</i>
<i>Slab 5</i>	<i>15%</i>	<i>On or before 20/10/2023</i>	<i>4,87,245/-</i>
<i>Slab 6</i>	<i>15%</i>	<i>On or before 10/11/2023</i>	<i>4,87,245/-</i>
<i>Slab 7</i>	<i>10%</i>	<i>On or before 01/12/2023</i>	<i>3,24,830/-</i>
		<i>TOTAL</i>	<i>32,48,300/-</i>

7. *I hereby assure and undertake that I shall abide by the schedule of payment given above and on or before specified date without fail and any breach thereof would be sufficient ground for cancellation of anticipatory bail granted to me. I further undertake that I shall deposit the amount as specified above before the Registrar, Sessions Court, Solapur. I further states that I have no objection in case the amount so deposited is withdrawn by the Respondent No. 2 to 7 in proportion to their respective share.*

D. The informant and other witness i.e. the Respondent No. 2 to 7 undertake as under :-

1. *WE, the undersigned the Respondent No. 2 to 8, the informant and other witnesses in C. R. No. 96/2023 registered with MIDC Police Station, Dist. – Solapur for the offence punishable U/s. 420 of IPC.*

2. *We hereby accept the undertaking given by this Hon'ble Court and accept the schedule of repayment as given by the Applicant and are hence affixing our signatures to it out of our own free will and with understanding that the Applicant shall pay the amount as per assurance given by him, we are not claiming interest and cost from the applicant.*

3. *We state that upon receipt of the total amount as mentioned in the schedule above, we will have no grievance left against the applicant Suraj Ramesh Chavan. In view whereof upon, we shall give our unequivocal consent to the quashing of the FIR C. R. No. 96/2023 registered with MIDC Police Station against Suraj Ramesh Chavan or we shall give our unequivocal consent for compounding of the offence vide C. R. No. 96/2023 registered with MIDC Police Station against Suraj Ramesh Chavan.*

4. *We also solemnly undertake to not file any other case against Suraj Ramesh Chavan related to the subject matter in the said FIR including any proceedings under the NI Act. We also agree to cancel and rescind, return*

all/any bonds or promissory notes and cheques issued/executed by the Applicant Suraj Ramesh Chavan in our favour upon receipt of the amounts as per the schedule and we shall not make use of the said documents or the proceedings aroused out of present FIR for defaming the Applicant in any manner.

5. The Respondent No. 3 agree to withdraw any pending prosecutions under the NI act lodged by us against Suraj Chavan and more particularly STC No. 300/2022 pending on the file of Chief Judicial Magistrate, Solapur.

6. We state that we have agreed to the above terms out of our own free will and consent. There is no force or coercion exercised by any person upon us to enter into and agree to these settlement terms.

E. The parties state that these terms may be jointly accepted as solemn undertaking by both parties to this Hon'ble Court.

F. The parties state that the above information has been read over and explained to us in vernacular. We say that it is true and correct to the best of our knowledge and belief and the same is as per our instructions given to the advocate, in token of which we have affixed our signatures below.

G. Both the parties undertake that they shall not initiate any fresh/ new legal proceedings (either Civil or Criminal) against each other with respect to the subject matter of present issue as long as these terms are followed in letter and spirit.

H. In view of above full & final settlement and consent terms, it is hereby submitted that there are no other dues and claims of whatsoever nature against each other save and except the compliance of terms by both the parties mentioned in the Present Consent Terms.

I. That both the parties to the present consent terms undertake that they shall duly perform and abide by all the terms and conditions as contained in the present Consent terms and in case of breach of any of the terms and conditions as envisaged hereinabove, the party committing default shall be liable to be punished under the provisions of Contempt of Courts Act, 1971. ”

5. The consent terms are acceptable to the parties. The Applicant has agreed to refund the money as per the time schedule mentioned in paragraph 6 of the consent terms. Since the parties have agreed to settle the dispute amicably, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application

is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.96/2023 registered with MIDC Police Station, Solapur, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required ;

(c) The Applicant shall not interfere with the prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) 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.

7. It may be noted that the Application is not decided on merits and is disposed of in view of the settlement between the parties. Hence, the Applicant is put to notice that failure to pay the amount as per the schedule will result in recall of the bail order.

8. Matter be listed on **22/08/2023** for compliance.

(SMT. ANUJA PRABHUDESSAI, J.)