

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

ANTICIPATORY BAIL APPLICATION NO.355 OF 2023

Cherag Neriosang Bamboat

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Sandeep Karnik i/b. Adv. Priyanka S. Karnik for the Applicant.

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

Adv. A. M. Gokhale a/w Adv. Meenakshi Pahuja for intervenor.

Mr. D. Patil, API, Tardeo Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 6, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 420, 406, 411, 477, 471, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (hereafter 'the MPID Act' for short) in connection with C.R. No.1030 of 2021

registered with Worli Police Station now investigated by Tardeo Police Station.

3. The application for pre-arrest bail made on the previous occasion by the present applicant was rejected by this Court on 14/10/2022.

4. The applicant has filed the present application for pre-arrest bail and at Exhibit 'C' are the consent terms which are entered into between the applicant and the complainant. I have gone through the consent terms. The consent terms records the manner in which an amount of Rs.2,50,00,000/- which has been received from the complainant will be paid by the present applicant as well as by the co-accused - Rakesh Shetty. The consent terms are duly notarized and signed by the applicant as well as the co-accused-Rakesh Shetty. The anticipatory bail application of the co-accused-Rakesh Shetty is pending before the Sessions Court.

5. Learned counsel for the applicant on instructions makes a statement that the terms of the consent terms will be abided. The statements made in the consent terms are

accepted as an undertaking to this Court.

6. The complainant is present who says that she signed on the consent terms. She says that subject to the applicant honouring the terms of the consent terms, she has no objection if the applicant is granted the facility of pre-arrest bail.

7. I have gone through the FIR. The allegations are serious in nature. It is on the concession of the complainant and in view of the consent terms that I propose to grant the application. If it is found that the consent terms are not honoured by the applicant, he will obviously be liable for the consequences, including that of cancellation of the anticipatory bail granted today.

8. Learned APP further pointed out that there are three criminal antecedents of a similar nature reported against the applicant. The applicant is put to notice, and it is again made clear that it is only on the concession and grace shown by the complainant that the present order is being passed. The applicant to abide by the consent terms.

9. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.1030 of 2021 registered with Worli Police Station now investigated by Tardeo Police Station, the applicant-Cherag Neriosang Bamboat shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the Tardeo Police Station on 11/02/2023 and 12/02/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.
- (d) The applicant to co-operate with the Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicant shall furnish the details of his residential address and phone number to the investigating officer.

(g) The applicant to abide by the consent terms.

10. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)