

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 571 OF 2023**

Mr. Saneel Gurunath Kothari	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Anil Kumar Mane a/w. Mr. Santosh Chodankar for
the Applicant.

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

Mr. Saneel Kothari, Applicant present

Ms. Richa Saneel Kothari, wife present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

**DATED : 26th APRIL, 2023.
[IN CHAMBER]**

P. C. :-

. At the outset, learned counsel for the Applicant seeks leave to implead the first informant as party Respondent No.3. Leave granted. Amendment to be carried out forthwith.

2. Considering the nature of dispute, an attempt was made to settle the dispute amicably. Mr. Gavand, learned APP was requested to assist the parties in arriving at an amicable settlement. Accordingly, Mr. Gavand, learned APP interacted with the parties and has assisted them in arriving at an amicable settlement.

3. The Applicant-husband and the first informant-wife and their counsel are present before the Court. They have placed on record the Consent Terms which are signed by the Applicant, his counsel and the Respondent No.3 (first informant). The Consent Terms read thus :-

“ 1. The Applicant and the Respondent No. 3 have agreed to resolve all the dispute amicably and save the marital tie between them. The Applicant and the Respondent No. 3 have agreed to bury the memories of all the unpleasant events/incidences that took place between them prior to filing of the present consent terms and both the parties agree that they shall not refer the said unpleasant past events in their future communications and would start life afresh ;

2. Both the parties agree that both of them shall cohabit together as husband and wife in a separate rented premises as may be mutually agreed and both shall continue to reside in a rented premises till a suitable owned residence is acquired by the Applicant.

3. The Applicant agrees that such rented premises shall be secured within a period of 6 weeks from the date of signing the present consent terms and the applicant and the Respondent No. 3 shall start cohabiting at such new residence within a period of 6 weeks from the date of signing the present consent terms and during this period any suitable auspicious day shall be selected mutually by both the parties having regards to the Hindu Almanac.

4. *Both the parties hereby agrees that they shall give at most respect to each other as well as the family members of respective parties*
5. *The Applicant hereby specifically undertakes that:*
 - (i) *The Applicant shall take entire responsibility of the Respondent No. 3 and undertake to support her mentally, physically and financially in all possible manner;*
 - (ii) *The Applicant being the husband shall take entire responsibility of maintenance of the house, household articles, payment of bills and rents, etc.;*
 - (iii) *The Applicant shall ensure that any future dispute between them shall be resolved amicably by keeping proper communication with each other and the Applicant shall not avoid the Respondent No. 3 by stopping communication with her or by staying away from house;*
 - (iv) *The Applicant further ensure to consult the Respondent No. 3 and keep the Respondent No 3 well informed about all major decisions necessary to be taken in respect of the family and also all decision with respect to the properties standing in the name of the Applicant as well as loans to be taken in future if any and also loan currently being repaid by the Applicant.*
6. *The Respondent No. 3 hereby specifically undertakes that:*
 - (i) *The Respondent No. 3 being the wife shall take entire responsibility of performing the household responsibilities and shall extend her full mental support to the Applicant;*

(ii) The Respondent No. 3 shall ensure that any future dispute between them shall be resolved amicably by keeping proper communication with each other and the Respondent No. 3 shall not avoid the Applicant by stopping communication with him or by staying away from house;

7. Both the parties hereby agree and undertake that all future dispute if any between them shall be resolved amicably and both the parties shall avoid the interference of their respective parents, relatives' friends or other influential persons in their matrimonial life;

8. Both the parties shall happily participate in the family functions, family get-togethers on account of festivals viz. Ganpati, Diwali, Padwa, Dasara, etc. and both parties shall take effective steps to ensure that the family ties are strengthen with passage of time ;

9. Both parties agree to live their life peacefully and happily

10. On the basis of assurances given by the Applicant to the Respondent No. 3 in the present consent terms, the Respondent No. 3 has no objection for granting anticipatory bail to the Present Applicant;

11. On the basis of assurances given by the Applicant to the Respondent No. 3 in the present consent terms, the Respondent No. 3 shall withdraw the allegations made by her against the applicant and his parents and upon filing of a petition for quashing of FIR and / or charge sheet the Respondent No. 3 shall appear before the Hon'ble High Court and give her no

objection for quashing of FIR and / or charge sheet against the applicant and his parents. ”

4. The terms are agreeable to the Applicant and the Respondent No.3. Hence, the same are taken on record and marked as 'X' for identification. The statement made in the Consent Terms are accepted as an undertaking to the Court. Since the Applicant and the Respondent No.3 have resolved the matrimonial dispute amicably, this is a fit case to exercise discretionary powers 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.10/2023 registered at Kandivali (W) Police Station, Mumbai, 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 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.

5. While disposing of the Application, this Court places on record deep appreciation for the efforts taken by Mr. S.V. Gavand, learned APP in assisting the parties in arriving at an amicable settlement.

**PREETI H
JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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