

sg

16.ia834-23.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.834 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.55 OF 2023

Mohammed Husain Hafiz Khan ...Applicant

vs.

The State of Maharashtra & Ors. ...Respondents

WITH

INTERIM APPLICATION NO.1138 OF 2023

IN

**ANTICIPATORY BAIL APPLICATION NO.55 OF 2023
(NOT ON BOARD, TAKEN ON BOARD)**

Rupesh Vasudeo Pandit & Anr. ...Applicants

vs.

The State of Maharashtra & Anr. ...Respondents

....

Mr. Rajendra Rathod, a/w. Mr. Harsh Ramchandani and Mr. Umar Dalvi, in IA/834/2023.

Mr. Devendra Patil, for the Applicants in IA/1138/2023.

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

....

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 APRIL 2023

P.C. :

Pursuant to the FIR lodged by Mohammad Husain Hafiz Khan, Crime No.0697 of 2022 came to be registered with Agripada

Police Station, Mumbai, for offences punishable under Sections 460, 420 r/w 34 IPC.

2. The accused in the said crime had filed an application for anticipatory bail (Anticipatory Bail No. 55 of 2023). The said application was disposed of in view of the Consent Terms dated 24 January 2023 filed by the parties. As per the Consent Terms, the accused in the said crime had agreed to pay to the complainant an amount of Rs.46,20,000/- in six installments, as per schedule in para 3 of the said Consent Terms. Learned Counsel for the accused in the said crime states that total amount of Rs.10,00,000/- has been deposited before this Court. He states that the balance amount could not be deposited in the account as his account has been freezed in this crime. Hence, by Interim Application No. 1138 of 2023, he has sought to defreeze the account so as to enable him to make the payment.

3. Learned APP concedes that the matter has been settled between the parties and granted no objection to grant the application, in view of which, Interim Application No.1138 of 2023 is allowed in terms of prayer clause (a). Respondent No.1 is directed to defreeze the State Bank of India Account Bearing No.10309549071 of Applicant No.1.

4. Learned Counsel for the accused in the said crime has no objection if the amount of Rs. 10,00,000/-, which has been deposited

before this Court, is transferred in the account of the First Informant. Learned Counsel for the Applicant/accused further states that the balance amount will be paid within one week from the date the account is defreezed. Learned Counsel for the Applicant states that the second installment of Rs.7,24,000/- will be deposited in the account of the complainant through RTGS. He further states that the third and fourth installments will be deposited on or before 23 May 2023 and the balance amount will be deposited as per the schedule. The statement is accepted.

5. In the light of the said statement, Application No.834 of 2023 is allowed in terms of prayer clause (a). The accused in the said crime are directed to deposit the amount in the account of the complainant as per the statement recorded.

6. Both applications are disposed of in the above terms.

(ANUJA PRABHUDESSAI, J.)