

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

ANTICIPATORY BAIL APPLICATION NO. 959 OF 2023

Mayank Goel ..Applicant

v/s.

The State of Maharashtra . ..Respondents

**WITH
INTERIM APPLICATION NO. 12130 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 959 OF 2023**

Mahesh Thakur ..Applicant

In the matter between

Mayank Goel ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Dinesh Tiwari a/w. Mikhail Dey for the Applicant.
Mr. Ayaz Khan a/w. Arun Rajput , Viral Makte for the Intervenor.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 3rd MAY, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.1365 of 2022 registered with Oshiwara Police Station for offences under Section 406, 420 of the Indian Penal Code.

2. The learned Counsel for the Applicant and the First Informant

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state that the parties have settled the matter amicably. The learned Counsel have placed on record the Memorandum of Understanding, as well as Affidavit/ Undertaking filed by the Applicant herein. The memorandum of understanding reads thus:-

MEMORANDUM OF UNDERSTANDING

It is stated on behalf of the Applicant / Accused Mayank Goel as follows:-

- i) Mayank Goel has already Notarized an Affidavit in which certain details are incorporated. By way of this MOU, further understandings are being recorded.*
- ii) It is agreed between both the parties that making of the payment as indicated in the Affidavit does not amount to admission of guilt on part of the Applicant / Accused.*
- iii) It is also further agreed that the payment already being made of Rs. 1,00,00,000/- (One Crore) on 03/05/2023 i.e. on the Date of Filing the Affidavit before Hon'ble Bombay High Court. Rs. 35,00,000 (Thirty Five Lakhs) has been sent via RTGS ref. No. PUNBR52023050214381922 from Sh. Chander Prakash Goel and Rs. 65,00,000/- (Sixty Five Lakhs) via demand draft no. 344777 dated 02/05/2023 from Mrs. Purvi Rajesh Gupta, the first informant would consent for granting of Anticipatory bail in favour of the Applicant on the terms and conditions as included herein and in the Affidavit as attached herewith.*

iv) *It is further submitted that the entire understanding is arrived subject to that reliefs as are detailed herein being granted in favour of the Applicant/Accused.*

v) *Upon making the final payment of Rs. 50,00,000/- (Fifty lakhs) on or before 28/07/2024, via Cheque No. 122202 Drawn through Bank Name : Punjab National Bank, the first informant will give No Objection for quashing of the FIR and further shall not prosecute the matter in any manner which may be detrimental to the interest of the Applicant / Accused or the other Accused named or not named in the FIR.*

vi) *It is further agreed that on filing of this Memorandum of Understanding the first informant will not have any other claim or initiate litigation in respect of the subject matter of the FIR.*

vii) *It is further agreed that pursuant to filing of this consent terms no action of any nature would be initiated against any body including those named or not name in the FIR.*

viii) *It is further agreed that the first informant will also give the no objection for defreezing of the Bank Accounts as are frozen immediately when the application is moved after today by the Applicant / Accused whose account they have frozen.*

ix) *The first informant has also agreed that no further litigation will be done by him with respect to the matter in hand.*

x) *In token of having agreed to all the terms and conditions as narrated hereinabove, the first informant has appended his signature to this MOU.*

xi) *On behalf of the applicant / accused the signature would be appended by his mother as the applicant / accused is not available in Mumbai due to his ill health.*

3. In the affidavit filed by the Applicant, he has given schedule of payment as under:-

i) *Rs.1, 00, 00,000/- (One crore) on 03/05/2023 i.e. on the Date of Filling the Affidavit before Hon'ble Bombay High court Rs. 35,00,000 Thirty Five Lakhs) via RTGS ref. No. PUNBRS52023050214381922 from Sh. Chander Prakash Goel and Rs.65,00,000 (Sixty Five Lakhs) via demand draft no. 344777 dated 02/05/2023 from Mrs. Purvi Rajesh Gupta.*

ii) *Rs.25,00,000/- (Twenty five lakhs) on or before 28/05/2023 Via Cheque no. 122203 Drawn through bank Name – Punjab National Bank.*

iii) *Rs. 75,00,000/- (Seventy five lakhs) on or before 28/08/2023 Via Cheque no. 122195 Drawn through bank Name – Punjab National Bank.*

iv) *Rs.75,00,000/- (Seventy five lakhs) on or before 15/12/2023 Via Cheque no. 122196 Drawn through bank Name – Punjab National bank.*

v) *Rs.68,00,000/- (Sixty Eight lakhs) on or before 25/03/2024 Via Cheque no. 122197 Drawn through bank Name – Punjab National bank.*

vi) Rs. 50,00,000/- (Fifty lakhs) on or before 25/04/2024 Via Cheque no. 122198 Drawn through bank Name - Punjab National bank.

vii) Rs. 50,00,000/- (Fifty lakhs) on or before 25/05/2024 Via Cheque no.122200 Drawn through bank Name – Punjab National bank.

viii) Rs. 50,00,000/- (Fifty lakhs) on or before 25/06/2024 Via Cheque no. 122201 dated - Drawn through bank Name - Punjab National bank.

ix) Rs. 50,00,000/- (Fifty lakhs) on or before 28/07/2024 Via Cheque no. 122202 Drawn through bank Name - Punjab National bank.

Total Rs.5, 43, 00,000/- (Five Crore Forty three lakhs)

4. Statements made in the affidavit filed by the Applicant are accepted as undertaking to the Court. Since both the parties have arrived at amicable settlement, 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:-

(i) In the event of arrest of the Applicant in Crime No.1365 of 2022 of Oshiwara Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;

(ii) The Applicant shall surrender his passport to the Investigating

Officer and the same shall be returned to the Applicant on payment of last installment dated 28.7.2024.

(iii) The Applicant shall not leave the country till 28.7.2024 without prior permission of the Court.

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(v) The Applicant is put to notice that violation of any of the terms and conditions shall result in recall of this order, and restoration of the application.

. Application, as well as Interim Application stand disposed of.

(ANUJA PRABHUDESSAI, J.)