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

ANTICIPATORY BAIL APPLICATION NO.1013 OF 2023

Prateet Ashit Shah & Anr. ... Applicants
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Ashish P. Agarkar i/by Mr. Seoul Shah and Mr.
Vineet Sheetty for the applicant.

Mr. Amit A. Palkar, APP for respondent No.1/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 27, 2023

PC.:

- 1.** Apprehending arrest in connection with C.R. No.115 of 2022 registered with Koregaon Park Police Station for offence punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest under Section 438 of the Criminal Procedure Code, 1973.
- 2.** According to prosecution, the applicant fraudulently induced the informant and his parents to enter into sub-contract but Terraforma Superstruct LLP has refused to pay the dues. It is alleged that the informant parted with amount based on forged work order.
- 3.** The application under Section 438 filed by the applicant before the learned Sessions Judge has been rejected by order dated

24 November 2022.

4. During pendency of the present application, this Court by order dated 19 April 2023 protected the applicant.

5. Now the applicant and the informant have resolved their disputes by entering into Memorandum of Understanding dated 27 June 2023, a copy of which is taken on record and marked 'X' for identification, whereby the party of the first part has agreed to refund amount of Rs.38 lakh.

6. In view of said Memorandum of Understanding, the applicant is entitled to the relief under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicants in connection with C.R. No.115 of 2022 registered with Koregaon Park Police Station for offence punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- each with one or two sureties in the like amount;

b) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;

7. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)