

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1149 OF 2023

Madan Goel and Others

...Applicants

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Shyam Dewani a/w. Mr. Chirag Chanani, for the Applicants

Smt. Ashwini Takalkar, APP, for the Respondent/State.

Mr. Ajay Chavan, API, Kalamboli police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 17, 2023

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 202 of 2023 registered at Taloja police station for the offences punishable under sections 406 and 420 read with 34 of Indian penal Code, 1860.
3. The first informant lodged the report with the allegations that M/s. Balaji Transport Corporation, of which the applicant is Director and/or persons responsible for the affairs of the said entity, had induced him to provide transport services and did not pay the charges to the tune of Rs. 47,63,130/- and thereby deceived him.
4. The learned counsel for the applicants submitted that the applicants have settled the dispute with the first informant.

Attention of the court was invited to the affidavit of the first informant wherein the first informant claimed to have received the outstanding amount of Rs. 42 lakhs. The learned counsel submitted that pursuant to the settlement arrived at between the parties, a petition for quashing of the prosecution has been filed vide Writ Petition No. 1477 of 2023 and by order dated 27th April, 2023 the investigating officer has been directed not to proceed against the petitioner therein in any manner.

5. Prima facie, the allegations in the first information report indicate that the genesis of the offences is in a dispute over non payment of the charges for providing transport services.

6. In the aforesaid view of the matter, since the interim protection is in operation since 19th April, 2023, I am inclined to exercise the discretion in favour of the applicants.

7. In the event of arrest in C.R. No. 202 of 2023 registered at Talaja police station, the applicants be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.

8. The applicants shall cooperate with the investigation and attend Talaja police station as and when directed.

9. The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of

the prosecution witnesses or any person acquainted with the facts of the case.

10. The applicants shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)