

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1229 OF 2023

Tushar Balkrishna Gangan

...Applicant/Accused.

Versus

The State of Maharashtra

...Respondent

Mr. Prasad Borkar a/w Mr. Manuj Borkar, *for the Applicant/Accused.*
Ms. Rupali Tushar Gangan, wife of the Applicant/Accused.
Mr. S. H. Yadav, *APP for the Respondent-State.*
Mr. Siddharth Joshi i/by Chaudhari Moinuddin, *for the First Informant.*

CORAM: RAJESH S. PATIL, J
VACATION COURT

DATED: 11th May, 2023

PC:-

1. This is an Application under Section 439 of the Code of Criminal Procedure, 1973 filed by the Applicant in C.R. No.1327 of 2022 registered with Samata Nagar Police Station, Kandivali, Mumbai for offences under Sections 420, 406, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. By an order dated 13th March, 2023, this Court had recorded that the Applicant had handed over a demand draft of Rs.1 lakh and also promised to show his bonafides to pay further sum of Rs.4 lakhs by 18th January, 2023 and the balance payment of Rs.4,28,000/- within four (4) weeks from that order.

3. However, after paying the sum of Rs.1 lakh rest of the amount has not been paid by the Applicant. Therefore, the balance amount is of Rs.8,28,000/-. The Applicant has now filed *praecipe* to take this matter on urgent basis as he has got with him the pay order drawn by the Bank of Baroda in the name of the Complainant i.e. Sunil Ramesh Sethi for a sum of Rs.4,28,000/-. The Applicant states that the said pay order of Rs.4,28,000/- has been handed over to the Advocate for the Complainant. The Advocate for the Complainant has accepted this pay order.

4. Learned Advocate for the Complainant states that on instructions he can make a statement that the balance amount of Rs.4 lakhs, if paid by the Applicant within a period of eight (8) weeks

from today, his client will co-operate with the Applicant for quashing of the C.R. No.1327 of 2022 as against him.

5. As the parties have decided to settle this matter amicably. No purpose will be served by keeping the Applicant in custody. The *prima facie* case has been made out by the Applicant for grant of bail. In view of the above, the said Criminal Bail Application is allowed on following terms and conditions:

ORDER

- i. The Applicant be released on bail on furnishing of cash bail for sum of Rs.25,000/-.
- ii. The Applicant shall report to the Investigating Officer on second and fourth Saturday of every month from 11:00 a.m. to 1:00 p.m. for the purpose of interrogation.
- iii. The Applicant undertakes that the balance amount of Rs.4 lakhs would be paid within a period of eight (8)

weeks from today.

iv. If the said amount of Rs.4 lakhs is not paid within the stipulated time of eight (8) weeks, the bail granted today automatically comes to an end and the police will immediately take action against the Applicant.

v. The Applicant shall keep the Investigating Officer informed of his current address and his contact details. If there is any changes in the contact details or mobile details then he will inform to the Investigating Officer.

vi. The Applicant shall not interfere with the complainant or any witness or tamper with the evidence of the complainant.

vii. It is also made clear that learned Advocate for the Complainant/informant on behalf of his client has made a statement that his client will co-operate with the Applicant.

viii. If, all the conditions mentioned above are satisfied; complainant will co-operate for quashing of the F.I.R., only as far as the Applicant is concerned. Accordingly, the Bail Application is disposed of.

All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL,J.)