

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

ANTICIPATORY BAIL APPLICATION NO.1546 OF 2022

PRADNYA
MAKARAND
BHOGALE

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| 1. Neha Vijay Gore | |
| 2. Hitesh Gore | ..Applicants |
| VS. | |
| 1. The State of Maharashtra | |
| 2. Suraj Ramesh Rathod | ..Respondents |

Adv. Milan Desai a/w Adv. Sayli Sawant i/b. Adv. Dhvani Shah for the Applicants.
Ms. A. A. Takalkar, APP for the State.
Adv. Manvi Sharma i/b. Adv. Harshad Sathe for intervenor.
Mr. Sudhir Patil, API, EOW Thane City is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 16, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 409, 420 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.I-10 of 2022 dated 17/01/2022 registered with Thane Nagar Police Station.

3. The entire amount of Rs.68,33,433/- has been deposited by the applicant. Even learned counsel for the complainant submits that since the amount is deposited, the complainant may be permitted to withdraw the amount which is deposited in which case the complainant will co-operate with the applicant for quashing of the FIR.

4. Learned counsel for the applicant expressed some reservations that if the amount is allowed to be withdrawn at this juncture. He apprehends that the complainant may not co-operate once the amount is allowed to be withdrawn. The accounts of the applicant have been freezed by the authorities. The business of the applicant is at a stand still in view of the restrictions which have been imposed by the authorities in view of the FIR.

5. The complainant wants her money back. In view of the stand of the parties, the present application can be allowed. However, so far as withdrawal is concerned, it would be appropriate if a separate application is made by the complainant so as to enable this Court to pass appropriate orders.

6. Learned counsel for the applicants submits that they have no objection if the amount is allowed to be withdrawn by the complainant but apprehends that the complainant may not co-operate with the quashing of the FIR once the amount is withdrawn by the complainant. Learned counsel for the applicants makes a statement on instructions that an application for quashing shall be filed within a period of one week from the date of uploading of this order and even the statement is made by the learned counsel for the complainant that the complainant will co-operate with the applicant for quashing of the FIR. The statement is accepted as an undertaking to this Court.

7. Upon such an application for quashing filed by consent of the parties, the complainant may file an application for withdrawal of the amount. The applicant shall not oppose such withdrawal.

8. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.

No.I-10 of 2022 dated 17/01/2022 registered with Thane Nagar Police Station, the applicants- Neha Vijay Gore and Hitesh Gore shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants shall report to the concerned police station as and when called.

(d) The applicants to co-operate with the Investigating Officer.

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(f) The applicants shall furnish the details of their residential addresses and phone numbers to the investigating officer.

9. The Anticipatory Bail Application is disposed of with liberty to file appropriate application for withdrawal and further orders.

(M. S. KARNIK, J.)