

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1411 OF 2022
WITH**

INTERIM APPLICATION NO. 2086 OF 2022

Vishwajeet Subhash Jhavar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Abad Ponda, Senior Advocate i/b Mr. Amit Gharate for the Applicant.
Mr. Ranjeet Sangle a/w Mr. Amit Shinde a/w Mr. Kanaad Aphale a/w Ms
Harshada Shrikhande for the Intervener.
Mr. Amit Palkar, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 24 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. On 26 May 2022, this Court passed the following order:

“1. Heard learned Senior Counsel for the applicant and the learned APP for State. Intervention application is sought to be filed on behalf of the complainant and the learned Counsel appearing for the complainant state that he will be filing an application within a period of one week. The Learned Counsel would orally submit that there is breach of an agreement and he would also highlight the antecedents of the applicant, which according to him would weight against him, for granting any protection.

2. when the learned APP is asked about the progress of the investigation and about the role attributed to the present applicant, he state that the investigating officer is not present today, and he may be granted some time.

3. The learned Senior Counsel Mr. Ponda has placed on record an affidavit, where he has chalked out a schedule for repayment of sum of Rs.9,90,00,000/-, with an upfront payment of Rs.1.5 crores on or before 02.06.2022. In para 3 of the affidavit, a specific statement is made to the effect that complainant company has settled and repaid 11 flats owners and 7 revenue shareholders, except the present applicant on account of unreasonable demands. 4. The said affidavit is taken on record. A copy of the said affidavit is also served upon the Counsel for the complainant/intervenor and it is ultimately for him to take a call on the said offer in the affidavit, since an offence revolve around a pure business transaction. Subject to the offer being accepted, the schedule of payment can be appropriately modified under the order of this Court.

5. Re-notify to 09.06.2022. In the meantime, the protection granted by the Trial Court which was in operation till 19.05.2022, shall continue till next date of hearing. “

3. By consent of the learned Senior counsel for the applicant and the learned counsel for the Intervener, following order is passed:

- (i) In the event of arrest of the applicant- Vishwajeet Subhash Jhavar in Crime No. 10 of 2022 registered at Koregaon Park police station for the offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like

amount.

(ii) The intervener/complainant Shri Bhagwan Ramchand Mukhi is permitted to withdraw 50% of the amount of Rs. 9,90,00,000/- deposited by the applicant in this Court i.e., Rs. 4,95,00,000/-. As regards rest of the amount i.e., Rs. 4,95,00,000/-the complainant is permitted to withdraw the said amount after the charge-sheet is quashed by consent.

4. As regards the other claims, if any, the complainant is at liberty to file appropriate proceedings

5. Anticipatory Bail Application and Interim Application are disposed of in aforesaid terms.

(N.R. BORKAR, J.)

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
Date:
2023.02.09
19:41:29
+0530