

Chaitali Ekke

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

CRIMINAL BAIL APPLICATION NO. 1973 OF 2022

Vasant Janardhan Aher	...Applicant
<i>Versus</i>	
State of Maharashtra and Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 647 OF 2023
IN
CRIMINAL BAIL APPLICATION NO. 1973 OF 2022**

Pratibha Prakash Sakpal	Applicant / ...Intervener
<u>In the matter between</u>	
Vasant Janardhan Aher	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

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Mr. Hrishikesh Mundargi i/b Ms. Pravada Raut, for Applicant.
 Mr. R.M. Pethe, APP for State.
 Mr. Kuldeep Patil a/w Ms. Sailie Dhuru a/w Ms. Bhagyashri Mangale,
 for Complainant / Respondent No.2
 Ms. Pratibha Sakpal, Respondent No.2

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**CORAM : RAJESH S PATIL, J.
VACATION COURT**

DATED : 8th MAY 2023

P.C.:

1 This is an Application filed under section 439 of Criminal Procedure Code (Cr.P.C. for short) by Applicant who is facing trial in case RCC No. 4582 of 2019 in C.R.No. 539 of 2019 registered at the instance of Respondent No.2, with Hinjewadi Police Station, District Pune under sections 420, 448, 380 r/w. 34 of Indian Penal Code (IPC

for short) pending on the file of JMFC, 6th Ld. JMFC, Pune.

2 On the last occasion, the parties have mentioned in the court that there is likelihood of settlement. In view of that, the parties have been granted liberty to move before the vacation court.

3 Today, the parties have tendered the documents as well as consent terms arrived at between Original Complainant and Applicant / Accused. Copy of the consent terms is taken on record and marked “X”, for identification. The parties admit that as per the consent terms, demand draft of Rs. 12,50,000/- is handed over to Respondent No.2. The wife of Applicant is also an accused in the original case pending before the JMFC, who is present in the court, who is identified by her Advocate states that within a period of three months, the accused will hand over a quite and peaceful possession of Flat No. 403, as mentioned in paragraph No.g of the consent terms. The Advocate for Applicant further tenders a copy of receipt dated 21.12.2022. The same is taken on record and marked “Y”, for identification, wherein it is stated that they have paid a sum of Rs. 2,50,000/- out of Rs. 12,50,000/- to the person who is occupant of Flat No. 403 i.e. Mr. Amol Rajaram Payal, as of today. He further states that they would be paying the full amount to Mr. Amol R. Payal within a period of three months from today, and, thereafter would be taking of possession from Mr. Amol R. Payal and handing over the same to Respondent No.2-Complainant. They further agree that in case

Applicant does not comply with the condition, as mentioned in paragraph no.g of the consent term, this bail automatically will be canceled and police will take necessary action. The Advocate for Respondent No.2-Original Complainant does not have any objection, if bail is granted to Applicant in view of the consent terms entered today.

4 In view of the above, Applicant is entitled for bail on the following terms and conditions :

- a) Applicant is directed to be released in connection with C.R.No. 539 of 2019 registered with Hinjewadi Police Station, District Pune, on execution PR Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- b) Till the time Applicant complies with the condition, as mentioned above in clause (a) provisionally cash bail may be granted for Applicant to be released for the amount of Rs. 25,000/- for the period of four weeks;
- c) Applicant is directed to inform the trial court his current residential address and mobile number or any change in residential address. Applicant shall co-operate;
- d) Bail Application is disposed of in the above terms;
- e) Interim Application, if any, is also disposed.

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

(RAJESH S. PATIL, J.)