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

ANTICIPATORY BAIL APPLICATION NO.638 OF 2023

Vikrant Madanlal Aggarwal ...Applicant
vs.
1. The State of Maharashtra ...
2. The Senior Inspector of Police ...Respondents

**WITH
INTERIM APPLICATION NO.2740 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.638 OF 2023**

Chetna Charri ...Intervenor

In the matter between

Vikrant Maganlal Aggarwal ...Applicant
vs.
1. The State of Maharashtra ...
2. The Senior Inspector of Police ...Respondents

Mr. Rishi Bhuta with Mr. Ashish Dubey with Mr. Bimal Bhabhda
with Anikita Bamboli with Ujjwal Gandhi for the Applicant.

Mr. Manmeet Singh Chhabra i/b Mr. Dnyanesh Patil for the
intervenor.

Mr. H. J. Dedhia APP for the Respondent - State.

CORAM : S. M. MODAK, J.

DATED : 31ST JULY 2023

P.C. :

INTERIM APPLICATION NO.2740 OF 2023

1. Heard learned Advocate for the Applicant-accused, learned Advocate for the first informant and learned APP for the Respondent-State. The Investigating Officer is present.
2. Perused the order passed by this Court on 2nd March 2023, 10th March 2023, 11th April 2023, 7th June 2023, 22nd June 2023 and 10th July 2023.
3. The Applicant has filed reply to the Intervention Application. Intervenor is the first informant. She is allowed to intervene in the matter.
4. Interim Application is disposed of.

ANTICIPATORY BAIL APPLICATION NO.638 OF 2023

5. As per order dated 2nd March 2023, there was direction not to take coercive steps against the Applicant. In para 1 of the order, it is recorded that the Applicant is willing to deposit Rs. 47 lakhs and time was granted to file an affidavit. After gap of

certain period. the affidavit is filed on 8th March 2023. Para 1(c) of the affidavit mentions about time schedule for payment of Rs.47 lakhs. It is true that none of the payment are made as per time schedule. It is also true that matter was referred for mediation before Justice Sandeep K. Shinde (Retd.), however, it was not successful.

6. Learned Advocate for the first informant invited my attention to few of the documents annexed to the Intervention Application. On page 20, he has reproduced operative portion of the mediation order. There is serious objection by the accused to the contents of that operative portion and also reproducing it in email. Contention of the Applicant-accused is that the mediation proceedings is confidential proceedings and in fact no such order was passed.

7. It seems that dispute is centered around how much amount the Applicant could repay to the first informant. That's to say, the claim of the Applicant is that he has incurred certain expenses for completing sale with his earlier vendor and he has done this prior to filing of FIR and he claims that the first

informant owes an amount and in respect of the said amount, there is a Civil Suit filed before the City Civil Court. Whereas the first informant contends that inspite of paying Rs.47 lakhs, he is without shelter.

8. Considering this limited controversy, I have heard learned Advocates for both sides. The insistence of learned Advocate for the first informant is that let the Applicant to show his *bonafides* by depositing certain amount as agreed in the time schedule. Learned Advocate for the Applicant has shown me letter dated 19th July 2023, addressed to the police station i.e. request to defreeze the account. It is contended that amount of Rs.6,00,000/- is lying in that bank account. In view of this defreezing of the bank account, the Applicant claims that he is unable to comply with payment of the time schedule.

9. It is also submitted that the Applicant is having only this account. When it is asked, whether he arrange for amount in any other manner. Learned Advocate for the Applicant stated that he can deposit Rs.5,00,000/- in cash. It is not permissible, as per Rules. As Against this the Applicant is permitted to deposit

Rs.5,00,000/- in the said bank account within a period of one week.

10. Learned APP submitted that if there is deposit in the said bank account, there will not be object.

11. Let the Applicant to deposit Rs.5,00,000/- within a period of one week from today in the same bank account. Let the Investigating Officer inform the bank to accept that amount without any hindrance. This will be without prejudice to the rights of the parties. Bank may also requested to have an endorsement in the passbook that this amount is deposited as per willingness shown by the applicant. That amount may not be allowed to be withdran.

12. Interim order to continue till the next date.

13. Matter be kept on **31st August 2023.**

[S. M. MODAK, J.]