



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2319 OF 2023

WITH

INTERIM APPLICATION NO.3090 OF 2023

Durva Rohan Wadkar

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Shailendra Agharkar, for Applicant.

Mrs. Ashwini A. Takalkar, APP for State.

Mr. Tushar Khandane, for Respondent No. 2.

CORAM:- N. J. JAMADAR, J.

DATED:- 3rd OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 48 of 2023, registered with Charkop Police Station, for

the offences punishable under Section 420 and 408 read with Section 34 of Indian Penal Code, 1860 (“the Penal Code”).

3) When the matter was listed before this Court on 19th August, 2023, a submission was made that the parties were exploring the possibility of an amicable settlement of the dispute.

4) The learned Counsel for the applicant and the learned Counsel for the first informant – applicant in IA No. 3090 of 2023, make a joint statement that the parties have amicably resolved the dispute and Settlement Agreement has been executed on 8th September, 2023.

5) The learned Counsel for the applicant seeks leave to tender a copy of the settlement agreement .

6) Copy of the Settlement Agreement is taken on record and marked “X” for identification.

7) It prima facie appears that the offences have their genesis in the commercial transaction between the parties. Rohan, the husband of the applicant was arrested and has since been released on bail.

8) The first informant is present before the Court. She admits the terms of the Settlement Agreement and execution thereof.

- 9) As the parties have amicably resolved the dispute and the offences revolve around documents, custodial interrogation of the applicant does not seem to be warranted.
- 10) I am, therefore, inclined to exercise the discretion in favour of the applicant.
- 11) Hence, the following order:-

ORDER

- I) In the event of arrest of the applicant in connection with C.R. No. 48 of 2023, registered with Charkop Police Station, for the offences punishable under Section 420 and 408 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- II) The applicant shall co-operate with the investigation and attend Charkop Police Station, on every alternate Saturday in between 10.00 am to 1.00 for a period of one month.
- III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first

informant or any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]