

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

ANTICIPATORY BAIL APPLICATION NO. 2431 OF 2023

Lakhi alias Kari Narayandas Makhija ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

INTERIM APPLICATION NO. 3690 OF 2023

Sunilsingh Harfulsingh Kalwa ...Intervener

In the matter between

Kari @ Lakhi Narayandas Makhija ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Praveena Venkatraman, i/b Law Global Advocates, for
the Applicant.

Smt. Ashwini Takalkar, APP for the State/Respondent.

Mr. Ganesh Gole, i/b Bhavin Jain, for respondent No.2.

CORAM: N. J. JAMADAR, J.

DATED: 12th DECEMBER, 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 CR No. 227 of 2023 registered with Ulhasnagar Police
Station, Thane, for the offences punishable under Sections
120-B and 115 read with Section 34 of Indian Penal Code,
1860 ("the Penal Code").

3. By an order dated 29th August, 2023, this Court had granted interim bail ascribing reasons. Paragraph 6 of the said order reads as under:

“6. Evidently, the allegations against the applicant are based on the statement of the person to whom the alleged co-conspirator had narrated the plan. The questions as to whether the statement made by the alleged co-conspirator falls within the ambit of Section 10 of the Indian Evidence Act, 1872 and whether the said statement was made when the conspiracy was afoot would arise for consideration. The material on record indicates that the relations between the applicant and the first informant were strained and the FIR lodged by the first informant herein against the applicant on 18th March, 2023, for the offences punishable under Sections 387 and 506(2) of the Penal Code resulted in a ‘B Summary’.”

4. On 25th October, 2023 when the matter was listed before the Court a statement was made on behalf of the parties that the applicant and first informant have amicably resolved the dispute and have decided to file an application for quashing the FIR.

5. The first informant, Sunilsing Harpulsingh Kalwa, who has taken out Intervention Application No.3690 of 2023, has filed an affidavit on 25th October, 2023, copy of which is tendered for the perusal of the Court. The first informant affirms that the dispute between the first informant and the applicant has been amicably resolved and the first informant undertakes to give consent to quash FIR No.197 of 2023. The first informant is present before the Court. He states that he

has filed affidavit out of his own volition and there is no coercion or duress.

6. In view of the aforesaid development, the reasons which weighed with this Court in granting interim bail and the fact that the interim bail is in operation since 29th August, 2023, I am impelled to make the order of interim bail dated 29th August, 2023 absolute.

7. Hence, the following order:

: O R D E R :

- (i) The order of interim bail dated 29th August, 2023 is made absolute on the terms and conditions incorporated therein.
- (ii) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (iii) In view of the disposal of the ABA/2431/2023, interim application No.3690 of 2023 also stands disposed.

[N. J. JAMADAR, J.]