

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

WRIT PETITION NO.6431 OF 2021

Pradeep Krishna Tiwari ..Petitioner
VS.
The State of Maharashtra and anr. ..Respondents

**WITH
WRIT PETITION NO.5910 OF 2021**

Mahesh Bansilal Laddha ..Petitioner
VS.
The State of Maharashtra and anr. ..Respondents

Adv. Amit Ashok Gharte for the petitioners.
Adv. Aisha Shaikh i/b. Adv. Namrata Agashe for respondent
No.2.
Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 20, 2023

P.C. :

1. Heard learned counsel for the parties.
2. My attention is invited to the order dated 26/11/2021 passed by this Court in Criminal Writ Petition No.4556 of 2021-Shri Vishwajeet Subhash Jadhav vs. State of Maharashtra and anr. Vishwajeet Subhash Jadhav is one of the co-accused in the present C.R. being C.R. No.364 of 2019. The matter has been amicably settled between the parties.

3. Learned counsel for the respondent No.2 submits that in view of the settlement, the present writ petitions could be disposed of on the same terms as the order dated 26/11/2021 passed by this Court. Learned counsel for the respondent No.2 undertakes to file the vakalatnama within a period of one week from today. Statement is accepted.

4. The petitioner in Writ Petition No.6431 of 2021 is an employee and the petitioner in Writ Petition No.5910 of 2021 is a director. The respondent No.2 is the complainant-flat purchaser. Offences under Sections 420, 409 and 406 of the Indian Penal Code were registered against the petitioners vide C.R. No.364 of 2019 at Mahim Police Station, Mumbai.

5. The petitioner-accused (Pradeep Krishna Tiwari) in Writ Petition No.6431 of 2021 was granted interim protection in Anticipatory Bail Application No.250 of 2020. The petitioner-accused (Mahesh Bansilal Laddha) in Writ Petition No.5910 of 2021 was granted interim protection in Anticipatory Bail Application No.817 of 2020. The protection was cancelled at the behest of the complainant on

09/11/2021 by the Sessions Court, Greater Mumbai for violation of conditions. Feeling aggrieved by this order, the petitioners have filed the present petitions under Article 227 of the Constitution of India.

6. During the pendency of these petitions, the dispute is settled and parties entered into Memorandum of Understanding dated 17th November, 2021, copy of which is taken on record and marked "X-1" for identification. Learned Counsel for the respondent no.2 (complainant), on instructions, admits execution of Memorandum of Understanding.

7. In light of these facts, Counsel for the parties jointly submit that the impugned order may be quashed and order granting bail to the applicants in the crime in question be restored.

8. Considering these facts, with the consent of the parties, the impugned order dated 9th November, 2021 passed in Criminal Miscellaneous Application No.179 of 2021 in Anticipatory Bail Application No.250 of 2020 and Criminal Miscellaneous Application No.180 of 2021 in Anticipatory

Bail Application No.817 of 2020 in C.R. No.364 of 2019 is quashed and set aside. Order of bail is restored. The writ petitions are allowed and disposed of in the aforesaid terms.

(M. S. KARNIK, J.)