

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

CRIMINAL BAIL APPLICATION NO. 4196 OF 2021

Sanjeev Chandan

Age : 59 Years, Occupation : Businessman,

Residing at : 401-B, Vanadana CHS Ltd.,

SVP Nagar, MHADA, Near Versova

Telephone Exchange, Andheri (West),

Mumbai – 400 053.

...Applicant

vs.

The State of Maharashtra

[Naya Nagar Police Station

Vide C.R. No. 1342 of 2020]

...Respondent

Mr.Waquar Pathan h/f Mr.Wesley Manezes – Advocate for Applicant.

Mr.Shadab Khopekar – Advocate for Complainant.

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

Mr.Ramizuddin Shaikh – Complainant – present.

CORAM : S. M. MODAK, J.

DATE : 2nd MAY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. The First-Informant Ramizuddin Naziruddin Shaikh has entered into consent terms with Co-accused Mrs.Anuradha Sanjeev

Chandan on 2nd May, 2023. It is signed by both the parties and their respective Advocates and it is tendered on record, marked as Annexure-X3. It is submitted that in view of the settlement, the Co-accused Chandan has agreed to pay Rs.10,00,000/- to the First-Informant and today the demand draft is brought. In view of that, the First-Informant has agreed for withdrawing the R.C.C. Case No. 1546 of 2021.

4. Learned APP submitted that the offences are non compoundable. In addition to that, it is submitted that it is not only the First-Informant who is aggrieved but it is the Bank who is also aggrieved. My attention is invited to a letter issued in the name of one V. Chandra Sekaran for Indian Bank dated 26th July, 2019. It was informed to Int Crop that the Firm of the Accused that the loan account will be closed if Bank will be pay Rs.16,83,500/-. The Prosecution case is that this letter was shown to the First-Informant. In fact, according to the Prosecution, this is a forged letter and there is a statement at Page No.489 of the representative of the Bank. He has stated that the said letter is not issued by them. According to learned APP the bank is also the victim. There is further mention that in fact loan outstanding is Rs.1,46,78,115/-.

5. The FIR is registered by the First-Informant for the reason that he was cheated out of the transaction of sale of her shop. Learned APP is right in his contention. At this stage, we are not dealing with the Quashing Petition but only with the issue whether the Applicant is entitled to be released on bail. Considering the fact that the First-Informant has granted consent for quashing with condition to accept Rs.10,00,000/-, which the Co-accused has brought demand draft. The demand draft is handed over to the First-Informant and the first informant is present and admitted that the demand draft is received.
6. I think the Applicant can be granted bail. Even though it may be true that there are also other offences against the Applicant but he is on bail as contended by learned Advocate for the Applicant. He is also behind bar since 2021. One does not know when the trial will begin. So, he can be granted bail.
7. In view of that, following order is passed :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant – Sanjeev Chandan be released on bail in connection with C.R.No.342 of 2020 registered with Nayanagar Police Station – Thane Rural on furnishing personal bond and surety bond of Rs.25,000/-, if not

required in any other case.

- (iii) Applicant to give attendance to Nayanagar Police Station – Thane Rural on Saturday from 10.00 to 12.00 noon for one year.
- (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

7. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

8. Application is disposed of in the aforesaid terms.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]