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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3298 OF 2022

Sharad R. Kale

...Applicant

V/s.

The State of Maharashtra and anr.

...Respondents.

Mr. Sandeep Parikh a/w. Mr. P.M. Jadhav for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

Mr. Nikhil Patil along with Mr. Veerdhaval P. Kakade for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 23.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. On 28 November 2022, this Court passed the following order:

"At the outset, learned counsel for the Applicant seeks leave to implead the Complainant as party Respondent. Leave is granted. Cause title be amended accordingly. Issue notice to the Complainant. Learned APP shall also make an endeavour to intimate the next date of hearing to the Respondent - Complainant through the officer of the concerned police station.

2. The Applicant has filed this Application under section 438 of Cr.P.C. apprehending his arrest in C.R.No.818/2022 registered with Wakad Police Station, Pimpri-Chinchwad for offences punishable under sections 406, 420 r/w. 34 of the Indian Penal Code.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Kailash B. Deshmukh. It is alleged that the Applicant and the other co-accused had cheated the Complainant to the tune of Rs.14,30,000/-.

4. Learned counsel for the Applicant states that the amount due to the Complainant was Rs.12,84,000/-. He further states that dispute is more of civil nature. He makes a statement that without prejudice to the rights and contentions, the Applicant shall deposit before this Court an amount of Rs.6,00,000/- within a period of three weeks

and balance amount within a period of three weeks thereafter. Furthermore, endeavour will also be made to settle the dispute amicably.

5. In the light of above statement, the Applicant is granted interim bail. Hence the following order :-

(a) In the event of arrest of the Applicant in C.R.No.818/2022 registered with Wakad Police Station, Pimpri-Chinchwad, he shall be released on interim bail till the next date of hearing, on furnishing bail bonds in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(b) The Applicant shall deposit before this Court an amount of Rs.6,00,000/- within a period of three weeks and balance amount as undertaken within a period of three weeks thereafter ;

(c) The Applicant shall report to the Investigating Officer as and when required ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. Stand over to 22/12/2022 for compliance.”

3. It is submitted that the parties have amicably settled the dispute, which gave rise to filing of the FIR. The learned counsel for the applicant has tendered Memorandum of Understanding (MOU) executed by the parties. The same is taken on record and marked as “X” for the purpose of identification.

4. Considering the facts and circumstances of the case, I am inclined to allow the present application. The interim order dated 28 November 2022 is hereby confirmed.

5. In view of clause ‘9’ of MOU, the applicant is permitted to withdraw the amount of Rs.6 lakhs deposited by him in this Court.

6. Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]