

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3439 OF 2022

Nitin J. Shetye
V/s.
The State of Maharashtra & anr. ...Applicant
...Respondents.

WITH

ANTICIPATORY BAIL APPLICATION NO.3492 OF 2022

Rohit D. Jadhav
V/s.
The State of Maharashtra & anr. ...Applicant
...Respondents.

Mr. Sohil Gulabani a/w. Mr. Suraj Bansode and Mr. Sai R. Kadam i/b Mr. Ajit Kenjale for the Applicant in ABA 3439/22.
Mr. Sanjiv A. Sawant a/w. Ms Samiksha S. Mane i/b Mr. Heramb S. Kadam for the Applicant in ABA 3492/22.
Mr. P.H. Gaikwad Patil, APP for the Respondent/State.
Mr. Sagar A. Mane for the Respondent No.2 in both matters.

CORAM : N.R. BORKAR, J.
DATE : 02.05.2023.

P.C. :

1. The applicants, who are co-accused in C.R. No.66 of 2022 registered at Kharghar police station, Navi Mumbai for the offence punishable under Section 420 of the Indian Penal Code, 1860 (IPC), have filed these applications under Section 438 of Code of Criminal Procedure for the anticipatory bail.
2. The allegations against the applicants and other co-accused are of cheating the complainant to the tune of Rs.26 lakhs.

3. On 24 March 2023, this Court passed the following order.

“1. On last date, the learned counsel for the applicants, on instructions, submitted that the applicants without prejudice to their rights in the trial, are willing to pay Rs.5 lakhs each to the complainant. The learned counsel for the complainant sought time to take instructions. Today, the counsel for the complainant, on instructions submits that the complainant is agreeable to it.

2. The applicants shall pay Rs.5 lakhs each to the complainant within three weeks and shall not seek refund of the said amount even if they are acquitted in the present crime. The learned counsel for the complainant, on instructions, submits that if the said amount is paid, then the complainant would not object to the prayer made by the applicants for grant of anticipatory bail.

3. List on 18 April 2023.

4. The interim order to continue till the next date.”

4. The learned counsel for the complainant/respondent No.2 does not dispute that pursuant to the above order, the respondent No.2 has received the amount of Rs.5 Lakhs each from the applicants. In that view of matter, I am inclined to release the applicants on anticipatory bail. In the result the following order is passed.

ORDER

A) The Applications are allowed.

B) In the event of arrest of the applicants in C.R. No. 66 of 2022 registered at Kharghar police station, Navi Mumbai for the offence punishable under Section 420 of the Indian Penal Code, 1860 (IPC), they be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

[N.R.BORKAR, J.]