

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

ANTICIPATORY BAIL APPLICATION NO.3519 OF 2022

Mrs. Dipti Devendra Kawale ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Milan Desai i/b. Mr. T.R. Patel for the Applicant.

Mr. Ajay Bhise for the Intervenor.

Ms Manisha Patil, complainant, present.

Mr. Shrikant Yadav, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in C.R. No.890 of 2022 registered with MHB Colony, Mumbai, for the offences punishable under Sections 406 and 420 of the IPC.

2. Learned counsel for the Applicant and learned counsel for the first informant state that the parties have resolved the dispute amicably. The learned counsel for the Applicant, under instructions states that the Applicant shall deposit an amount of Rs.5,33,000/- before this Court, out of which 50% will be deposited within a period

of two weeks and the balance amount will be deposited within two weeks thereafter.

3. Learned counsel for the Applicant and learned counsel for the Intervenor, under instructions from the Complainant, who is present before the Court state that in view of the settlement, an application for quashing the FIR will be filed before the Division Bench of this Court. The statements are accepted as undertaking to the Court.

4. Considering the fact that the parties have entered into settlement and that the dispute is otherwise of personal nature, in my considered view this is a fit case to exercise discretion under Section 438 of the Cr.PC in favour of the Applicant. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.890 of 2022 registered with MHB Colony, Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the Investigating

Officer as and when required by the Investigating Officer.

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

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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