

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

ANTICIPATORY BAIL APPLICATION NO.3511 OF 2022

Vipul Rajendra Shah

..Applicant

VS.

The State of Maharashtra

..Respondent

**WITH
INTERIM APPLICATION NO.4475 OF 2022
IN**

ANTICIPATORY BAIL APPLICATION NO.3511 OF 2022

Tara Singh Nagpal
since deceased

1A. Karan Tara Singh Nagpal

..Applicant

IN THE MATTER BETWEEN

Vipul Rajendra Shah

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Subodh Desai a/w Mr. Rashid Khan i/b. A. S. Khan and Associates for the Applicant.

Mr. Aabad Ponda, Senior Advocate i/b. Mr. Karan L. Jain for intervenor.

Mr. S. V. Gavand, APP for the State.

Mr. Pradip P. Ahire, PSI, M.I.D.C. Police Station, Mumbai is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 9, 2023

P.C. :

1. Heard learned counsel for the applicant, learned Senior Advocate for the complainant (since deceased, now

through his son) and learned APP for the State.

2. After the matter was heard on the last occasion, the applicant has filed an affidavit-cum-undertaking dated 07/01/2023. The same is taken on record. Learned counsel for the applicant on instructions submits that the applicant is agreeable to abide by the affidavit-cum-undertaking. The statements made in the affidavit are accepted as an undertaking to this Court. The applicant to abide by the terms mentioned in the affidavit.

3. In this view of the matter, considering the nature of the offence which is alleged under Sections 420 of the Indian Penal Code, 1860, the applicant could be granted the facility of pre-arrest bail.

4. I have not referred to the facts in detail as even learned Senior Advocate for the complainant (since deceased, now represented by his son) fairly submitted that should the applicant abide by what is stated in the affidavit, the same would be acceptable to the complainant's son.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.1179 of 2022 registered with M.I.D.C. Police Station, Andheri, the applicant-Vipul Rajendra Shah shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called.
- (d) The applicant to co-operate with the Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (f) The applicant shall furnish the details of his residential address and phone number to the investigating officer.
- (g) The applicant to abide by the terms as stated in the affidavit.
- (h) It is, however, made clear that in case of any breach of condition on the part of the applicant, the prosecution or the son of the complainant are at liberty to move this Court for seeking cancellation of bail.

- 6.** The Anticipatory Bail Application stands disposed of.
- 7.** The Interim Application stands disposed of.

(M. S. KARNIK, J.)