

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

**ANTICIPATORY BAIL APPLICATION (ST.) NO. 7222 OF 2021
WITH
INTERIM APPLICATION NO. 249 OF 2023**

Vedali Nilesh Paralikar

} ...Applicant

V/S.

State of Maharashtra

} ...Respondent

Mr. Tushar Sonawane *a/w. Ms. Pooja Satpute, for the Applicant.*

Mr. Vivek Joshi, *for the Intervenor.*

Mr. Ashok S. GAwai, *APP for State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 2 April 2024.

P.C. :

1) This is an application for pre-arrest bail filed under the provisions of Section 438 of Criminal Procedure Code in connection with C.R. No.I-29/2011 registered with Bhayender Police Station for the offences punishable under Sections 341, 406, 420 and 442 of the Indian Penal Code.

2) The case arises out of a transaction of license executed between the Applicant in her capacity as licensor and the Complainant/Intervenor in her capacity as Licensee. It is the case of the Complainant that the Applicant accepted amount of security deposit of Rs.11,00,000/- from the Complainant and granted license in respect of the Flat to the Complainant on payment of

nominal license fees of Rs.1/- per month. After the complainant vacated the possession of the flat and demanded the amount of security deposit, the Applicant refused to pay the same to the Complainant. This has led to lodging of FIR against the Applicant.

3) No doubt, the transaction involved between the parties is purely civil dispute for which the Complainant has already filed a suit for recovery of amount of security deposit alongwith interest from the Applicant.

4) When the application came up before this Court on 8 March 2024, the Applicant made a statement before this Court that she would deposit an amount of Rs.5,00,000/- in this Court within two weeks. Accordingly, the Applicant has deposited the amount of Rs.5,00,000/- in this Court on 22 March 2024.

5) Mr. Sonawane, the learned counsel appearing for the Applicant would submit that the Applicant's bank Account has been frozen on account of directions by the Investigating Officer. He would further submit that an amount of Rs.1,00,000/- is lying in the Applicant's frozen Bank Account. He would further submit that if the Account is defreezed, the Applicant would be in a position to pay amount of Rs.1,00,000/- to the Complainant. Mr. Sonawane, has also taken instructions from the Applicant, who is personally present before the Court and who makes a statement that the balance amount of Rs.5,00,000/- shall be repaid by the Applicant to the Complainant within six months.

6) Accordingly, the Complainant/Intervenor is permitted to withdraw the amount deposited by the Applicant in this Court. The Investigating Officer is directed to issue necessary communication to the Bank of the Applicant for de-freezing her bank account. Immediately upon defreezing the Account, the Applicant shall forthwith pay the amount of Rs.1,00,000/- to the Complainant. As per the statement made by the Applicant, the balance amount of Rs.5,00,000/- shall be paid by the Applicant to the Complainant within a period of six months from today. Statements made by the Applicant are accepted as undertakings given to this Court.

7) The learned counsel appearing for the Complainant-Intervenor would submit that upon receipt of the entire amount from the Applicant, the Complainant shall give her no objection for quashing of the FIR. He would further submit that she will also withdraw civil suit filed by the Applicant. Statements are accepted. In view of amicable resolution of disputes between the parties, the interim protection granted in favour of the Applicant by Order dated 14 April 2021 is made absolute. Accordingly, the Anticipatory Bail Application is **allowed and disposed of**.

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2024.04.04
11:03:47
+0530

[SANDEEP V. MARNE, J.]