

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

ANTICIPATORY BAIL APPLICATION NO.231 OF 2023

Parisosh Rajendra Agarwal

...Applicant

versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Aniket Nikam i/b Amit Icham for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.
Mr. Pavan S. Patil a/w Yash Gawade for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.363 of 2022 registered at Alandi Police Station, Pune on 10th December 2022, under Sections 406, 420 read with 34 of IPC. The FIR is lodged by one Ganesh Kakade.
2. Heard Mr Aniket Nikam, learned counsel for the applicant, Ms. Mahalakshmi Ganapathy, learned APP for the State and Mr. Pavan Patil, for Respondent No.2.
3. It is his case that his family owned a land at village Markal,

Tal. Khed, district Pune. The present applicant came there in 2016 and suggested that he would develop the property with 67% profit for himself and 33% profit to informant's family's share. The informant decided to give the land admeasuring 21 R for development to the applicant. The agreement was executed between the applicant and the informant on 15th March 2016. It was registered in the Sub-registrar's Office on the same date. Thereafter, for various reasons, the dispute arose between the parties. Those disputes are mentioned in the FIR. It is not necessary to refer to the reasons of this dispute. Suffice it to say that the allegations of the informant are that the applicant had not given share of 33% to the informant and had caused loss to the tune of Rs.3,19,00,000/-.

4. Today, both parties i.e. informant and the applicant are present before the Court. Both of them are represented by their respective counsel who identified them in the Court. Both the informant and the applicant stated before the Court that the matter is settled between the parties. Both of them have filed joint affidavit before the Court. It is taken on record. It is

mentioned in the affidavit that the matter between the applicant and the informant is settled amicably out of the Court. The applicant has kept four flats ready. Those flats are flat numbers 204, 401, 407, 412. Besides this, eight shops as well as 12 parking places are also kept ready. Pursuant to that, the parties have signed the confirmation deed dated 9th January 2024. The applicant has also paid the amount of Rs.69,51,000/- and the stamp duty of Rs.3,00,000/- to the first informant. The paragraph No.4 of the affidavit mentions that the respondent No.2 does not have any objection to grant anticipatory bail to the applicant.

5. Learned APP submits that since, the parties have settled the matter even the Investigating Agency does not have any objection for grant of relief. Considering this situation, and the fact of settlement between the parties, there is no impediment in granting relief under Section 438 of Cr.Pc. to the applicant. There is no question of custodial interrogation in this situation.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 363 of 2022, registered at Alandi Police Station, Pune, the applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall co-operate with the investigation.
- (iii) The Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)