

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

ANTICIPATORY BAIL APPLICATION NO.734 OF 2024

Mohammad Asim Mohammad
Shafi Mansuri @ Mohammad MansuriApplicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Himanshu Singh, Advocate for the Applicant.
Mr. Nitin B. Patil, APP for the Respondent-State.
Mr R.R. Mishra, Advocate for the Respondent No.2.
Mr. Virendra R. Yadav, Respondent No.2 present in person.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th MARCH, 2024

P.C. :

1. This is the second time that the Applicant has approached this Court for anticipatory bail. On the previous occasion, he had preferred A.B.A No.505/2024. It was rejected by this Court vide the order dated 22.2.2024. Now, change in circumstance is claimed, as parties have arrived at settlement and the informant has no objection for allowing this application.

2. The Applicant is seeking anticipatory bail in connection with C.R.No.1190/2023 registered at Oshiwara Police Station, Mumbai on 6.12.2024 under Sections 406 and 420 of IPC and under Sections 66 and 66(c) of the Information Technology Act.

3. Heard Mr. Himanshu Singh, learned counsel for the Applicant, Mr. Nitin Patil, learned APP for the Respondent-State and Mr R.R. Mishra, learned counsel for the Respondent No.2.

4. The F.I.R. is lodged by one Virendra Yadav. He has stated that, he was knowing the present applicant since 2004. On 01.12.2023, the applicant came to the informant's garage. He started abusing the informant on the basis of some transaction of Rs.30000/-. While talking with the informant, the applicant took his mobile phone. The informant was expecting him to return that mobile phone, but he did not return his handset. The mobile handset was having the provision for two SIM cards. One of the SIM cards was in the name of Riyaz Mulani and the other SIM card was in the name

of the informant himself. The informant had registered those SIM cards for registration with online banking transaction. Since the applicant did not return the mobile phone, the informant procured fresh SIM cards of those numbers. When the SIM cards were activated, the informant received the messages from the Google pay application. There were 18 transactions whereby the informant's amounts of Rs.2,37,098/- were transferred in the name of different persons. Out of which Rs.19999/- were returned by one S.K.Wahid. However, the informant lost his amount of Rs.2,17,099/-. On this basis, the F.I.R. was lodged.

5. Learned counsel for the Applicant submitted that the dispute is purely personal in nature and both the parties have settled the matter. The informant is made as party Respondent No.2 in this application. He is present in person. He is represented by his counsel, who identified him.

6. Learned counsel for the informant has tendered a notarized copy of the consent terms. It is taken on record and marked 'X' for identification. It is mentioned that the dispute

between the Applicant and the informant is settled amicably and that the informant did not want to proceed with the complaint. It is also agreed that both the parties would go for quashing of the FIR.

7. The FIR shows that it was purely a personal dispute between the parties. The society at large is not involved. The parties have settled the matter. The informant has no objection for granting protection to the Applicant.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1190/2023 registered at Oshiwara Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)