

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1354 OF 2024

Sundar Birbal Bhopa ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. P. G. Hartalkar a/w. Mr. Tejas P. Hartalkar and Mr. Naresh Tambade i/b. Mr. Mehul Hartalkar for Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

Mr. Sunil Sonawane, PSI, Charkop Police Station, Mumbai present.

CORAM : MANISH PITALE, J.
DATE : JUNE 13, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The present bail application has been filed in the context of FIR dated 01.09.2023 wherein the applicant along with others is an accused for offences under Sections 406, 420 and 120-B of the Indian Penal Code, 1860. It appears that initially, the applicant was not named as an accused but subsequently, his name was added along with the other accused persons and he has been charge-sheeted along with the other accused persons.

3. The grievance of the informant appears to be that the accused persons had taken certain amount from him in lieu of depositing gold, but later on, it was found that the said material was not gold.

4. During the pendency of the proceedings, the informant and the applicant appear to have settled their dispute and they have executed consent terms dated 04.05.2024. It is recorded that the informant has

received all the amount due to him and that he has no further grievance in the matter. On that basis, the applicant has filed Criminal Writ Petition No.1833 of 2024 for quashing of the FIR as against him. The said petition is pending and it is listed for further consideration on 03.07.2024 before the Division Bench of this Court.

5. Today, when the application is called out for hearing, the learned counsel for the applicant has handed over consent terms for settlement between the parties signed and executed by the applicant and the informant / complainant. The same is on affidavit and it is notarized. The same is taken on record and marked 'X' for identification.

6. The informant / complainant is personally present in Court and he submits that he would support the prayer made in the present application in the light of the dispute between the parties being settled. He also states that he would be supporting the prayer made in the writ petition filed on behalf of the applicant for quashing of the FIR.

7. In the light of the above, the learned counsel for the applicant submits that this Court may consider allowing the present application. It is further pointed out that the applicant is a senior citizen, aged about 62 years.

8. The learned APP submits that there are other criminal proceedings of similar nature initiated against the applicant and this Court may take into consideration the aforesaid factor. In this regard, the learned counsel for the applicant invited attention of this Court to an order dated 07.05.2024 passed in Bail Application No.1770 of 2024 (Sunder Birbal Bhopa Vs. State of Maharashtra). By the said order, this Court allowed the bail application of the applicant who is the very applicant before this Court in the present case, concerning a different FIR. In the said order also, this Court granted relief on the basis that the applicant and the

informant / complainant therein had amicably settled their dispute and the writ petition for quashing FIR was pending before this Court.

9. Considering the aforesaid circumstances, this Court is inclined to allow the present application in the following terms:-

- (A) The applicant shall be released on bail in connection with FIR No.0400 dated 01.09.2023, registered with Charkop Police Station, Mumbai Suburban on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] and one surety in the like amount;
- (B) The applicant is permitted to furnish cash bail surty in the sum of Rs.25,000/- for a period of four weeks in lieu of surety;
- (C) On being released on bail, the applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;
- (D) The applicant shall report to Charkop Police Station, Mumbai Suburban, as and when called;
- (E) The applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court;
- (F) The applicant shall surrender his passport, if any, to the Investigating Officer.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of bail. It is also clarified that the observations made in this order are limited to the question of grant of bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the

observations made in this order.

11. The bail application is disposed of.

(MANISH PITALE, J.)

Minal Parab