

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.242 OF 2024**

Ashutosh Kumar

... Applicant

versus

The State of Maharashtra

... Respondent

WITH

INTERIM APPLICATION NO.673 OF 2024

Mr. Shirish Gupte, Sr. Advocate with Mr. Ashok Bhatia, for Applicant.

Mr. S.R.Aagarkar, APP for State.

Mr. Shaikh Faizan with Mr. Dilip Shukla for Intervener.

Mr. Sandeep Nigde, PI, Property Cell Mumbai Crime Branch, present.

CORAM: N.J.JAMADAR, J.

DATE : 22 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. Mr. Shaikh submits that he has instructions to appear on behalf of the first informant and has filed Interim Application No.673 of 2024.
3. This is the second application for pre-arrest bail in connection with C.R.No.53 of 2023 registered with DCB-CID Police Station (initially registered with Versova Police Station vide C.R.No.385 of 2023) for the offences punishable under Sections 406, 420, 465, 467, 468, 471 and 506 read with Section 34 Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.
4. By an order dated 18 December 2023, I had rejected ABA 1887 of 2023.

5. Learned Counsel for the parties submit that post the said order of rejection, the applicant and the first informant have amicably resolved the dispute and consent terms have been executed.
6. Mr. Gupte, learned Senior Advocate for the Applicant, seeks leave to tender a copy of the consent terms. It is, inter alia, recorded that the first informant has already been paid a sum of Rs.2.32 Crores and the balance amount of Rs.3.45 Crores would be paid by 10 March 2024, for which post dated cheques have been drawn.
7. Learned Counsel for the Intervener concurs with the aforesaid submissions.
8. Learned APP, on instructions of the IO, submits that the Investigating Officer is aware that the parties have amicably resolved the dispute.
9. Prima facie, it appears that the genesis of the offences is in the commercial transactions between the informant party and the applicant. The parties, it seems, have arrived at a comprehensive settlement of the dispute.
10. The executant to the consent terms shall appear before the Court on the next date.
11. In the meanwhile, since the applicant is stated to be a senior Government Officer and the parties have amicably resolved the dispute, it may be expedient to grant interim protection.

12. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Ashutosh Kumar in connection with C.R.No.53 of 2023 registered with DCB-CID Police Station, he be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to DCB-CID Police Station, Mumbai as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The execution and operation of the Look Out Circular issued at the instance of the Investigating Officer in the aforesaid C.R.No.53 of 2023 is stayed till the next date.

(v) Stand over to 18 March 2023.

(N.J.JAMADAR, J.)