

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

ANTICIPATORY BAIL APPLICATION NO. 488 OF 2024

Brijeshkumar Jivram Mishra

..Applicant

Versus

Investigation Officer,

Mira Road police station & Anr.

..Respondents

Mr. Pankaj Jain i/b. P. D. Jain and Co. for Applicant.

Mr. Prashant Jadhav, APP for State/Respondent.

Mr. Tanoj M. Joshi a/w. Hivani A. Gautam a/w. Sumit Pal for first informant.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 AUGUST 2024

PC. :

1. The order dated 28.02.2024 records that the learned counsel for the applicant, without prejudice to his rights and contentions, had made a fair statement, on instructions of the applicant, that the applicant was willing to give another flat in the same building to the informant on payment of the balance amount. There are two flats available in the same building; one is on the 8th floor and other is on the 6th floor. It was further stated that, if the proposal was not acceptable to the informant, then the applicant

was willing to deposit the entire amount of Rs.31 lakhs, within a reasonable period in this Court and the applicant would not have any objection if the informant withdraw that amount. The court treated this statement as expression of bonafide intention of the applicant and the notice was issued to the first informant.

2. Today, learned counsel for the first informant is present before the Court. He makes a categorical statement, on instructions, that he is not willing to take either of the two flats offered by the applicant. However, he is willing to accept the amount of Rs.31 lakhs with reasonable interest, within a reasonable period.

3. Learned counsel for the applicant submitted that, according to him, 6% p.a. would be the reasonable interest. Learned counsel for the first informant is agreeable to this suggestion.

4. In this view of the matter, the applicant shall file an affidavit mentioning the period in which he would deposit the amount of Rs.31 lakhs with 6% p.a. interest. Such affidavit shall be

filed within a period of three weeks from today with copy to the other side.

5. Stand over to 26.09.2024.

6. Ad-interim relief granted earlier to continue till the next date.

(SARANG V. KOTWAL, J.)