IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1784 of 2024

Melroy Jerome Kinny
Aged: 50 years, Occ- Business,
An adult Indian Inhabitant,
R/at : Flat No.304, 3 Floor,
Shreeji Dham CHS Ltd, Plot No.253,
Gilbert Hill road, Andheri (West),
Mumbai-400 058. … Applicant.

Vs.

1. The State of Maharashtra
(through EOW)
(Transferred from Pant Nagar Police Station)
Swami Samarth Marg, Savitribai Phule Junction, near Ghatkopar bus depot,
Pant Nagar, Gahtkopar (East),
Mumbai-400 075.

2. Dena Bank (Now Bank of Baroda)
Ghatkopar(East) Mumbai-400 075 … Respondent.

Mr FA Sothe i/by SP Associates for the applicant.
Mr AR Bamne i/by M/s AR Bamne & Co. for respondent No.2.
Mr Arfan Sait, APP for Respondent/State.
PI Atul Nikam, EOW, Mumbai is present.

Coram : R.N.Laddha, J.
Date : 24 September 2024.

P.C. :

Heard learned Counsel for the parties.

2. The applicant is apprehending his arrest in connection with CR No.21 of 2010, registered with Economic Offences Wing, Mumbai, for the offences punishable under Sections 465, 467, 468, 471, 419, 420 and 120-B of the Indian Penal code.

3. It is alleged that the applicant, along with other co-accused, defrauded the respondent/Bank by mortgaging forged documents to obtain a Cash Credit facility and also secured a home loan, thereby cheating the respondent/bank with a substantial amount.

4. Mr Sothe, the learned Counsel for the applicant and Mr Bamne, appearing for respondent No.2/Bank, jointly inform the Court that the parties have arrived at settlement. The applicant has already deposited Rs.42,00,000/- with the Registry of this Court and for its withdrawal in favour of respondent No.2 the applicant has no objection. Mr Sothe, the learned Counsel, under instructions from the applicant, states that the applicant will transfer the remaining balance amount to the respondent No.2/Dena Bank, within three months from

today. In view of this development, the learned Counsel for the respondent No.2/Dena Bank, consents to granting anticipatory bail to the applicant and further submits that the respondent No.2/Bank will file an interim application to withdraw Rs.42,00,000/- from the Registry of this Court.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing the State, confirms based on instructions that the applicant's custody is unnecessary since the investigation is completed and the charge sheet has been filed. Furthermore, in view of the settlement arrived at between the applicant and the respondent/Bank, he agrees to the granting of anticipatory bail to the applicant.

6. In the light of the foregoing, the application stands allowed in the following terms:

(i) In the event of applicant's arrest in CR No.21 of 2010, registered with Economic Offences Wing, Mumbai, he shall be released on bail, upon furnishing a PR bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall not himself, or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]