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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2265 of 2024

Suman Zha @ Sumantkumar Durganand Zha
Age-27 yrs., Occupation: Service,
Residing at – Home No.7377/5, Shivajinagar,
Kamatghar, Tal. Bhiwandi, Dist. Thane ... Applicant
(Orig. Accused)

v/s.

1. State of Maharashtra
(At the instance of the Kalyan Taluka Police
Station, Dist. Thane, C.R. No.651 of 2024)
2. Jugnu Surendra Sonkar
Age- Adult, Occ.: Fruit Seller,
R/o. Sandesh Patil Chawl, House No.2,
Khamatgar, Tal – Bhiwandi,
Dist. Thane ... Respondents

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Mr Balwant Salunkhe, for the Applicant.
Ms Supriya Kak, APP, for Respondent No.1/State.
Mr CK Bhangoji, for Respondent No.2.

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Coram : R.N. Laddha, J.
Date : 30 September 2024

P.C. :

. Heard Mr Balwant Salunkhe, the learned Counsel
appearing for the applicant; Ms Supriya Kak, the learned Additional

Public Prosecutor representing respondent no.1/State; and Mr CK Bhangoji, the learned Counsel appearing for respondent no.2/informant.

2. The applicant, accused of committing the offence punishable under Sections 394 read with 34 of the Indian Penal Code, bearing CR No.651 of 2024, registered at Bhiwandi City Police Station, Thane, has preferred this application seeking pre-arrest bail. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He further submits that the parties have amicably resolved their dispute and have entered into a settlement. A consent affidavit dated 30 September 2024 of the informant has been placed on record and marked "X" for identification, indicating that parties have arrived at a settlement and the informant has no objection if pre-arrest bail is granted to the applicant.

3. The respective learned Counsel for the applicant and respondent no.2 jointly inform the Court that the parties have amicably resolved their dispute and have entered into a compromise. Further, the applicant has also filed a Writ Petition bearing (Stamp) No.17469 of 2024 before the Division Bench of this Court for quashing of the FIR by consent. Respondent no.2, who is present

before the Court and identified by his Counsel, reiterates the contents of his consent affidavit and has no objection if the applicant is granted anticipatory bail. The parties jointly submit that the settlement has been reached voluntarily, without any undue influence, threat or coercion. The learned APP submits that appropriate orders may be passed in view of the settlement between the parties.

4. In light of the peculiar facts and circumstances, the settlement between the parties, and the fact that the informant is no longer interested in pursuing the matter, the arrest of the applicant would not serve the ends of justice. Accordingly, this Court deems it fit to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.651 of 2024, registered at Bhiwandi City Police Station, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned

Police Station as and when required.

- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

5. The application stands disposed of accordingly.

(R.N. Laddha, J.)