

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2290 OF 2024

1. Rushabh Santosh Jain
2. Dinesh Chaganlal Rathod ... Applicants

Vs.

State of Maharashtra and another ... Respondents

WITH
INTERIM APPLICATION NO.4797 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.2290 OF 2024
ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.2443 OF 2024

1. Pappu Pandurang Mirkute
2. Ramchandra Ganpat Sawant
3. Dilip Genu Kamble ... Applicants

Vs.

State of Maharashtra and another ... Respondents

Mr. Satyam H. Nimbalkar i/b. Mr. Abhishek U. Arote for Applicants in ABA/2290/2024.

Mr. Sachin R. Pawar a/w. Mr. Ranjeet Hande for Applicants in ABA/2443/2024.

Ms. Aruna Pai for Applicant in IA/4797/2024.

Mr. A. U. Konde Deshmukh for Respondent No.2 in ABA/2290/2024.

Mr. Uday S. Kondhalkar for Respondent No.2 - Original Complainant in ABA/2443/2024.

Mr. Balraj B. Kulkarni, APP for Respondent-State in both the Applications.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 09, 2024

P.C. :

. Heard learned counsel appearing for the applicants, the learned APP appearing for the respondent-State, as also the learned counsel appearing for the first informant.

2. In Anticipatory Bail Application No.2290 of 2024, by an order dated 21.08.2024, this Court had granted interim relief in favour of the applicants. Subsequently, by an order dated 18.09.2024, this Court granted interim relief in favour of the applicants in Anticipatory Bail Application No.2443 of 2024 also. Thereafter, a series of orders were passed recording the fact that subsequent to registration of the FIR, a Memorandum of Understanding (MoU) was executed between the applicants in Anticipatory Bail Application No.2290 of 2024 and the original informant (company). In pursuance thereof, a fresh sale deed was to be executed upon consideration being paid by the applicants. It is brought to the notice of this Court that in that light, the sale deed dated 27.11.2024 has been executed and therefore, the learned counsel for the first informant has instructions to state that since the grievance is now addressed, the first informant would have no objection to the application being allowed.

3. Similarly, as regards Anticipatory Bail Application No.2443 of 2024, as per the understanding between the applicants therein and the first informant, appropriate statement has been made in the pending civil suit, which sufficiently addresses the grievance of the first informant. In this case also, the learned counsel appearing for the first informant has instructions to express no objection to the prayer being granted.

4. Apart from the aforesaid development and the statements made on behalf of the first informant, this Court is of the opinion that in the light of the subsequent developments that have taken place during the period when interim orders were operating in favour of the applicants, it would not be necessary to take the applicants into custody as most of the evidence, in the facts of the present case, is necessarily documentary in nature.

5. In view of the above, anticipatory bail applications deserve to be

allowed.

6. As regards Interim Application No.4797 of 2024, the learned counsel for the intervenor submits that insofar as the applicants in Anticipatory Bail Application No.2290 of 2024 are concerned, it can be said that along with the first informant, the intervenor has been duped because an earlier transaction between the first informant and the intervenor would reveal that the interests of the intervenor are adversely affected. On this basis, the intervenor seeks intervention in the matter and to be heard for opposing the prayers made in the said application.

7. This Court is of the opinion that the intervenor may have a grievance and a cause of action for which appropriate steps can be taken and the order passed today will not come in the way of the intervenor in seeking redressal of his grievance.

8. In view of the above, the interim orders passed in the anticipatory bail applications are made absolute and the applications are allowed.

9. The intervention application also stands disposed of.

(MANISH PITALE, J.)

Minal Parab