

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

ANTICIPATORY BAIL APPLICATION NO. 2602 OF 2024

Vishwajeet Subhash Jhavar

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Aabad Ponda, Senior Counsel a/w Mr. Amit Ashok Gharte, for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent No.1
- Mr. Abhishek Srinivasan a/w Mr. Pradeep Kumar, Jullius D'Souza and Mr. Harshavardhan Ghadge, for Respondent No.2.

CORAM : MANISH PITALE, J.

DATE : 26th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Aabad Ponda, learned senior counsel appearing for the applicant and Ms. Bajoria, learned APP for respondent – State and Mr. Srinivasan, learned counsel having instructions to appear on behalf of respondent No.2.

2. The applicant has approached this Court apprehending arrest in connection with First Information Report No.0118 of 2024, dated 13.07.2024, registered at Police Station Koregaon Park, District Pune, for offences under Sections 3(5), 316(2) and 318 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 5, 8 and 9 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and

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Transfer) Act, 1963.

3. The learned senior counsel seeks leave to add the first informant as party respondent No.2 in the present application, as the applicant has come with a proposal before this Court to finally settle the dispute and to address the grievance of the first informant. In that light, leave is granted to add the first informant as respondent No.2. The amendment be carried out forthwith.

4. Mr. Abhishek Srinivasan, waives notice on behalf of newly added respondent No.2. *Vakalatnama* be filed within one week from today.

5. The learned senior counsel, on instructions, at the outset, makes a statement that the grievance of respondent No.2 can be addressed by the proposal with which the applicant has come before this Court, which is that the applicant shall refund the amount of ₹ 2,99,35,719/-, as per the agreement dated 17.08.2015, executed between the parties, with interest @ 9% per annum from January, 2018. It is submitted that the aforesaid amount would be paid to the respondent No.2, within four weeks from today.

6. The learned counsel for respondent No.2, on instructions, submits that the said respondent is ready to accept the said proposal, so as to finally put an end to the dispute between the parties.

7. The learned APP submits that the statement of the informant,

leading to registration of the FIR, does make out the ingredients of the offences registered against the applicant.

8. But, this Court is of the opinion that when the aggrieved party i.e. the informant is ready to settle the dispute finally with the applicant (accused) on the aforesaid terms and since the applicant has already entered into such settlement agreements with other similarly aggrieved persons, leading quashing of criminal proceedings, it would be appropriate that interim protection is granted to the applicant, while keeping this application pending.

9. In view of the above, there shall be interim relief in the following terms :

- (A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0118 of 2024, dated 13.07.2024, registered at Police Station Koregaon Park, District Pune, he shall be released on bail, on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall abide by the undertaking/proposal given today before this Court voluntarily.
- (C) The applicant shall continue to cooperate with the investigation.

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

11. List the application for further consideration on **25th October, 2024**, to be included at the top of the Supplementary List.”

(MANISH PITALE, J.)