

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

ANTICIPATORY BAIL APPLICATION NO. 2964 OF 2024

Ziaurraheman Abdul Rahman ... Applicant
Versus
The Sr. Police Inspector & Anr. ... Respondents

Mr. Mateen Shaikh a/w Muskan Shaikh for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Adv. N. R. Bubna for the First Informant.

**CORAM: MANISH PITALE, J.
DATE : 10th DECEMBER 2024**

P.C. :

1. In this application, on 13th November 2024, this Court had extended the interim protection granted by the Sessions Court on a specific statement made on behalf of the applicant that since the FIR had arisen out of a commercial dispute and the first informant had now agreed to settle the dispute with the applicant, an appropriate joint statement could be made before this Court, indicating such settlement.

2. The interim order was continued by subsequent order dated 26th November 2024 till today. On the said date i.e. 26th November 2024, this Court observed as follows :

“2. Today when the application is called out, Mr. N. R. Bubna, learned counsel, having instructions to appear on behalf of the first informant, has appeared and stated that he will collect a copy of the application from the learned counsel for the applicant and that an appropriate joint statement can be made on the next date of hearing.

3. Mr. Shaikh, learned counsel for the applicant has tendered a copy of 'agreement of settlement' dated 31.10.2024 signed by the applicant and the first informant, along with accompanying documents. The same is taken on record and marked 'X'."

3. This Court has perused the agreement of settlement dated 31st October 2024, copy of which is already taken on record and marked 'X', along with a joint statement tendered today, signed by the Advocates on record for the first informant and the applicant (accused). The joint statement is taken on record and marked 'Y'. The said joint statement, apart from reiterating the undertakings given by the applicant in the agreement for settlement, further undertakes that all the 18 cheques referred to in the said document would be honoured on respective due dates and in case, there is any delay in payment of amounts, such amounts would be paid with interest @ 18% p.a. It is noted that all the disputes between the parties have been amicably settled in the aforesaid manner.

4. Considering the fact that the genesis of the FIR appears to be a commercial dispute between the parties and since they have now come together to amicably settle the dispute and appropriate undertakings have been given by the applicant, this Court is inclined to allow the application.

5. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0224 of 2024 dated 29th September 2024 registered at Pawarwadi Police Station, Malegao Nashik, for offences under Sections 406, 409 and 420 of the Indian Penal Code, 1860 (IPC), he shall be released on bail on furnishing PR Bond of Rs.15,000/- and one or two sureties in the like amount.

(b) The applicant shall abide by the undertakings given to this Court in the joint statement taken on record, in the light of the agreement of settlement dated 31st October 2024 executed between the applicant and the first informant.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

6. Needless to say, violation of any of the aforesaid conditions, including the undertakings given to this Court, would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

7. The application is disposed of.

MANISH PITALE, J.