

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2899 OF 2024

IN

CRIM. ANTICIPATORY BAIL APPLICATION NO.1396 OF 2023

Viranchi Jitendra Bhrahmbhatt .. Applicant

Versus

State of Maharashtra and anr .. Respondents

WITH

INTERIM APPLICATION NO.2900 OF 2024

IN

CRIM. ANTICIPATORY BAIL APPLICATION NO.1395 OF 2023

Jitendra Shankarlal Brahmbhatt .. Applicant

Versus

State of Maharashtra and anr .. Respondents

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- Mr. Arshad Shaikh, Senior Advocate a/w Mr. Ranjit Agashe, Miss Vinsha Acharya, Mr. Aniket Pardeshi i/b. Mr. Rajendra Jain for the Applicants / accused nos.1 and 2.
- Mr. Aditya Sharma a/w Mr. Birrul Mohamedi i/b. Bellator Legal Services LLP for the original complainant.
- Mr. A.A. Naik, AOO for the Respondent - State.
- API Shri P.B. Suroshe, Goregaon Police Station present.

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CORAM : N. J. JAMADAR, J.

DATE : 7 AUGUST 2024

P.C.:

1. Heard the learned counsel for the parties.
2. These Applications are preferred seeking a direction for the release of an amount of Rs.4,14,74,557/- deposited by the Applicants / accused pursuant to an ad-interim order dated 26 May 2023. The said ad-intetrim order was made absolute by

a further order dated 26 September 2023.

3. The Applicants / accused and the first informant have thereafter amicably resolved the dispute and the Consent Terms have been executed in the Suit lodging No.943 of 2023 and Suit No.59 of 2024.

4. In the said Consent Terms, the parties have agreed that the amount of Rs.4,14,74,557/- deposited by the Applicants, pursuant to order dated 26 May 2023 in ABA No.1395 of 2023 and ABA No.1396 of 2023, be released in favour of the first informant, namely, Richard Tahora, the Plaintiff No.1.

Paragraph 4(d) of the Consent Terms reads as under :-

... d) To enable the payment of the first installment, the Defendants have currently deposited in this Hon'ble Court as amount of Rs.4,14,74,557/- (Rupees Four Crores Fourteen lakhs Seventy Four Thousand Five Hundred Fifty Seven Only) in Anticipatory Bail Application Nos.1395 of 2023 and 1396 of 2023, in respect of which the Plaintiffs and the Defendants would approach this Hon'ble Court, vide appropriate Application to that effect, in the said matters and, accordingly, inform this Hon'ble Court of the current settlement and basis which would request this Hon'ble Court to make the said sum (together with the interests accrued thereupon) to be released directly to Plaintiff No.1 (Richard Tahora) towards the first installment as stated above..."

5. In view of the aforesaid Consent Terms and the prayer for release having been made by the Applicants / accused, who have deposited the amount, the Applications deserve to be allowed in terms of prayer clause (a).

6. The Registry is directed to release the amount of Rs.4,14,74,557/- along with interest accrued thereon in favour of the Plaintiff No.1 - Richad Tahora on proper identification and in accordance with law.

7. Interim Applications stand disposed.

Vinaa Khadpe

[N. J. JAMADAR, J.]