



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3247 OF 2024

Amin Nanhekhan Merchant	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Anees Aslam a/w. Mr. A. E. Shaikh, Advocate for the Applicant.

Mr. Nitin Patil, APP for Respondent No.1.

Mr. Sahil Choudhari, Advocate for Respondent No.2.

Mr. Amol Thaombre, Advocate for Respondent No.3.

Mr. Ajay Gangawane, API Mumbra police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 19 MARCH 2025

P.C.:

1. This Court on 20 February 2025 passed the following order :

1. The learned Advocate for the Applicant seeks liberty to amend the Anticipatory Bail Application and add Mr. Rajesh Gore as a party Respondent No.3. Liberty is granted, as prayed for.

2. Amendment to be carried out forthwith.

3. The learned APP undertakes to serve a copy of the present proceedings to newly added Respondent No.3 through Investigating Officer.

4. The learned Advocate for the Applicant

submits that apart from Investigating Officer serving a copy on the newly added Respondent No.3, by private service, they will also serve the proceeding on newly added Respondent No.3.

5. Based on the statement made by the learned Advocate for the Applicant, an order was passed by this Court directing the Applicant to deposit of Rs.1,20,000/- in this Court. The said amount has been deposited in this Court. The learned Advocate for Respondent No.2 submits that the outstanding bank loan as of today is Rs.79,035/-. Additionally, certain EMIs have been paid to the bank by the Informant. On instructions from the Informant, who is present in the Court, Counsel for the Informant submits that if a sum of Rs. 90,000/- out of the Rs.1,20,000/- deposited in this Court is paid to her, she is willing to consent to the quashing of this F.I.R.

6. The learned Advocate for the Applicant submits that since the bike was sold to a person named Rajesh Gore, who is a dealer of two wheelers. The said Rajesh Gore had attended the previous proceeding through video conference. However, today, Mr Rajesh is not present.

7. Mr. Aslam, the learned Advocate for the Applicant submits that the Applicant has no objection if the subject bike, which is currently in police custody, is handed over to Mr. Rajesh Gore. The learned Advocate for Respondent No.2 has no objection, provided that the Informant first receives the sum of Rs.90,000/-, his client is willing to cooperate and sign any necessary documents.

8. The Informant is permitted to appear on the next date of the hearing through video conference.

*9. Stand over to **26 February 2025** under the caption "**For Directions**".*

10. Interim protection, if any, granted earlier to continue till the next date of the hearing.

2. Today, the learned advocate for respondent no.3 (Rajesh Gori) submits that the applicant has bona fide deposited a sum of Rs. 1,20,000/- in this Court to demonstrate his bona fides. A loan of approximately Rs. 79,000/- is shown in the name of the informant for foreclosure. The subject two-wheeler, bearing registration No. MH-04-LL-0437, is in police custody and is registered in the name of Aijaj Shaikh.

3. Although this is not a forum for settlement of such disputes but since the applicant did show bonafides to pay. Considering the submissions made by the counsel of all the parties and the approach of the parties and in order to put an end to the entire litigation, I am satisfied that it would suffice if anticipatory bail application is disposed off with following directions. Accordingly, the present anticipatory bail application is granted.

ORDER

- (a) The Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the Applicant in connection with C.R. No. 1850 of 2024, dated 3 September 2024, registered with Mumbra Police Station, the Applicant shall be released on bail on furnishing P.R. bond to the extent of Rs. 30,000/- with one or more sureties of the like amount.

(c) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(d) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(e) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

(f) The respondent no.2 is permitted withdraw the sum of Rs. 90,000/- from the registry of this Court.

(g) The balance amount of Rs. 30,000/-, lying with this Court, is permitted to be withdrawn by the applicant along with any accrued interest, if any.

(h) The two-wheeler, which is in the custody of the concerned police station, shall be handed over by the Investigating Officer to respondent no.3 (Rajesh Gori). The Respondent No.3-Rajesh Gori, is at liberty to transfer the documents pertaining to the two-wheeler in his name. The applicant and the informant have agreed to cooperate with this process.

7. In view of the above, the present Anticipatory Bail Application is disposed of.

(RAJESH S. PATIL, J.)