

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-BA-94-2020****AND****LD-VC-CRI-92-2020****LD-VC-BA-94-2020**

Girish Shantrambhai Agarwal ... Applicant

V/s

State of Goa & Anr. ... Respondents

Shri N. Trivedi, Advocate for the Applicant.

Shri Pravin Faldessai, Additional Public Prosecutor for the Respondents.

AND**LD-VC-CRI-92-2020**

Kushwant Singh Chadha ... Applicant

V/s

Girish Shantrambhai Agarwal & Ors. ... Respondents

Shri Kushwant Singh Chadha, Applicant in person.

Shri N. Trivedi, Advocate for the Respondent No.1.

Shri Pravin Faldessai, Additional Public Prosecutor for the Respondents
No.2 & 3.**Coram: DAMA SESHADRI NAIDU, J.****Date: 18 December 2020****P.C. :**

This is an application for anticipatory bail. The complainant has filed an intervening application and joined the issue. It essentially involves a business transaction and the payment of money. Of course, the intervenor pleads cheating and fraud. The matter needs to be examined to see whether the applicant deserves an anticipatory bail. But, before I considered the matter on the merits, I suggested to both the parties

whether they would like to explore an amicable settlement—unconnected with the pending bail application.

2. In response, on instructions, Shri Trivedi, the learned counsel for the applicant, has submitted that the disputed amount as per the complaint is about ₹11.00 lakhs. To prove his bona fides, the applicant will deposit ₹1.00 lakh today itself. He needs a couple of months to pay the remaining ₹4.50 lakhs. Thus, he is willing to pay 50% of the amount so the Court may rule on his application for anticipatory bail—on the merits in the due course.

3. In response, Shri Kushwant Singh, the intervenor—complainant, pro se, has submitted that, in fact, the disputed amount is about ₹25.00 lakhs. At any rate, he has submitted that he leaves the issue to the Court's wisdom and does not mind waiting for a reasonable period if the applicant abides by his promise.

4. Under these circumstances, let the matter stand over to the fourth week of January. By today or tomorrow, the applicant shall pay to the complainant ₹1.00 lakh. That apart, he shall endeavour to pay, as he has promised, the balance ₹4.50 lakhs by the third week of January.

5. Post the matter accordingly.

DAMA SESHADRI NAIDU, J.

NH