

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 346 OF 2017

(SURAJ SHIVKUMAR SONI & ANR...VS.. STATE OF MAH.THR.P.S.O., CHANDRAPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. Anilkumar, Advocate for Applicants.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 17, 2017.

Heard.

The applicants (son and father), conducting business of Goldsmith seek pre-arrest bail apprehending arrest in connection with Crime No.723 of 2017 registered against them for the offence punishable under Sections 406 and 34 of the Indian Penal Code.

The crime is registered on the complaint lodged by Subhash Motiram Kalambe that in 2010 he had purchased a gold necklace from the applicants, however, with the passage of time it started turning black and therefore, he got it tested at some other place and then came to know that the neckless was containing only 66.84% gold.

The learned advocate for the applicants has submitted that though the accusations made against the applicants do not make out any case of commission of the offence, as alleged against the applicants, to avoid any unpleasant situation, the applicants have settled the matter with the complainant and pure gold is returned to the

complainant along with an amount of Rs.3,300/- towards making charges.

The application is opposed on the ground that earlier also crimes for similar offences vide Crime No. 91 of 2016 and Crime No.240 of 2016 are registered against the applicants. It is submitted that the investigation is in progress and custody of the applicants is required for investigation.

Considering the facts of the case and nature of the accusations, *prima-facie*, I am of the view that the applicant No.1, aged about 26 years, who is reported to be conducting business along with applicant No.2, is entitled for the relief sought by him. However, the prayer of the applicant No.2 does not require consideration at this stage.

In the facts of the case following order is passed:

In the event of arrest in connection with Crime No.723 of 2017 registered by the non-applicant, the applicant No.1-Suraj Shivkumar Soni be released on bail on executing P.R. Bond for Rs.Fifty Thousand and one solvent surety in the like amount.

The application of the applicant No.1-Suraj Shivkumar Soni is **allowed** accordingly.

The application of **applicant No.2**-Shivkumar Rampal Soni is **dismissed**.

JUDGE