

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1405 OF 2018**

Fanil Jayesh Mehta

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Vinod Kashid for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.****DATE : 25<sup>th</sup> JULY, 2018.****P.C.:-**

The Applicant is apprehending arrest in CR No. 265 of 2018 dated 8<sup>th</sup> June, 2018, registered with Juhu Police Station, Mumbai under Sections 406 and 420 r/w Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 It is the prosecution case in brief that, the co-accused namely Smt. Nikita Sarvaiya under the pretext of preparing ornaments for the marriage of her daughter and to copy the design of the ornaments of the informant, induced the informant to part with her

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ornaments weighing 135 grams and subsequently pledged it with '*Sangita Jewelers*' and accepted Rs.3,37,500/- by way of bank transfer. It is alleged that, the said amount was deposited in the account of co-accused Bhupendra Doshi and the Applicant.

4           The record of investigation would indicate that, the ornaments weighing 135 grams have been seized by the police from the said '*Sangita Jewelers*'. The record further indicates that, the said amount of Rs.3,37,500/- was in fact deposited in the account of Bhupendra Doshi, in the Union Bank at Vasai Branch and the police have freezed that amount. Prima facie, it appears that, no direct role can be attributed to the Applicant in the crime.

In view thereof, the Applicant can be protected by pre-arrest bail.

5           Hence, the following order-

- a) In the event of arrest in CR No. 265 of 2018, registered with Juhu Police Station, Mumbai, the Applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- b) The Applicant shall attend the Investigating Officer from 1<sup>st</sup> August 2018 and 2<sup>nd</sup> August, 2018 between 11.00 a.m. to 1.00 p.m. and to join the process of investigation.
- c) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**