

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1712 OF 2019

Ramesh Jawansingh Rajpur .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Karansingh B. Rajput, Advocate, for the Applicant
Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State
Mr. Ganesh Dalvi, API, L T Marg Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 270 of 2018 registered with the L T Marg Police Station, Mumbai, for the alleged offence punishable under Section 408 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Navin Jain, he was doing the business of selling gold ornaments under the name and style of 'Navin Jewellers' at Zaveri Bazar, Mumbai. The

Complainant has stated that he would accept orders of gold ornaments and after preparing the same would deliver the same to the customers. He has stated that for the said work, he had appointed one Manager by the name Vijay Sharma, who in turn had appointed one Dinesh (Applicant) to help him in the work i. e. for delivery of gold ornaments, depositing money in the Bank etc. According to the Complainant, initially, both, Vijay and Dinesh (Applicant) did work, as directed and subsequently, in one transaction i. e. of Rs. 33,32,000/-, the said persons instead of depositing the said amount in the Bank, misappropriated the same. The Complainant has alleged that during the period 21.09.2018 to 23.09.2018, there were Bank holidays and that on 24.09.2018, when the Complainant called the accused and asked them to deposit the said amount of Rs. 33,32,000/- instead of depositing the said amount in the Bank, the accused switched off their mobile phones and fled. Pursuant thereto, the aforesaid complaint was lodged. Learned counsel for the Applicant submitted that it is a case of mistaken identity, inasmuch, as name of the Applicant is Ramesh and not Dinesh.

4. Learned APP has tendered the case papers which show that the Applicant has misrepresented himself as Dinesh and was working in Navin Jewellers as Dinesh and not Ramesh. When the complainant was

shown the photograph of the Applicant, he identified the Applicant as Dinesh and hence, the question of mistaken identity does not arise. There are supplementary statements recorded to that effect.

5. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the Applicant. In the facts, custodial interrogation of the Applicant is necessary. Hence, the Application is rejected.

6. It is made clear, that the observations made herein are prima facie for deciding the aforesaid Application and if an Application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)