

shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2272 OF 2019

Ummed Singh Babu Singh	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Ms. Purva Jain i/b V.K. Dubey & Associates, for the Applicant.

Ms. P.P. Shinde, A.P.P for the Respondent - State.

P.I – Mr. Manoj S. Shedge- L.T. Marg Police Station, Mumbai.

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CORAM : REVATI MOHITE DERE, J.

DATE : 16TH OCTOBER, 2019.

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 148 of 2019, registered with the L.T. Marg Police Station, Mumbai, for the alleged offences punishable under Section 409 r/w section 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has not been named in the F.I.R and has been falsely implicated in the aforesaid case.

4. Learned APP opposed the application.

5. Perused the papers. According to the complainant-Mahendrakumar Sohanlal Jain, he is running a jewellery shop by the name “M/s. Mahendra Jewelers” at Ghatkopar with a branch at Zaveri Bazar in the name and style “M/s. Mahi Gold”. According to the complainant, his nephew, Tarun Jain was handling entire transactions of “M/s. Mahi Gold” and that he used to visit the shop frequently to look after the business. The complainant has alleged that one Vijay Rawal was regularly dealing with Tarun Jain and that Vijay Rawal used to take gold ornaments from the shop to offer his customers for sale and if the deal took place would pay Tarun Jain the money or return the gold ornaments. The complainant has stated that on 24th April, 2019, Tarun Jain informed him that he had received a call from Vijay Rawal informing him that he wanted a gold necklace of 3.350 k.gs showing to his customers. Since, Tarun Jain was regularly dealing with Vijay Rawal, he did not suspect any mala fide intention and handed over the ornaments to Vijaya Rawal’s employee i.e Rakesh Rawal.

Cost of the said ornaments was about Rs.1,10,00,000/-.

6. According to the complainant, since the amount was huge, Tarun Jain accompanied Rakesh Rawal to take the signature of Vijay Rawal. It appears that Tarun Rawal received a whats app message from Vijay Rawal that he is sending back all the ornaments through Rakesh Rawal, however, Rakesh Rawal did not come to the shop nor Vijay Rawal answered any calls made to him. Pursuant thereto, the aforesaid complaint was lodged. Although the applicant has not been named in the F.I.R, investigation reveals that Vijay Rawal had handed over the ornaments to Rakesh Rawal as per the plan, who, in turn, was asked to hand over the ornaments to Mukesh Rawal and thereafter, to the applicant.

7. Considering the aforesaid, custody of the applicant is warranted. The applicant has a similar antecedent registered as against him with the L.T. Marg Police Station, vide C.R. No.259 of 2019 for the alleged offences punishable under section 409 r/w 34 of the Indian Penal Code. The applicant is also wanted in the said C.R.

8. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant. The application is rejected.

9. If an application for regular bail is preferred by the applicant, the learned trial Judge to consider the same on it's own merits, un-inflenced by the observations made herein.

10. The application is accordingly disposed of.

[REVATI MOHITE DERE, J.]