

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

CRIMINAL BAIL APPLICATION NO. 3156 OF 2019

Amarkumar Chanak ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondent
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Mr. Rizwan Merchant a/w Faiz Merchant, Mahesh Ahire,
Faisal F. Shaikh, K. Shah, Advocates for the Applicant.
Mr. S.R. Aagarkar, A.P.P. for the Respondent-State.
Mr. Chavan, API, L.T. Marg Police Station, Mumbai.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 02nd DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and
learned A.P.P. for the Respondent - State.

2. Applicant is seeking enlargement on bail in
Crime No. I - 171 of 2019 registered with the L.T. Marg
Police Station, Mumbai for the alleged offences
punishable under Sections 409 r/w 120-B of the Indian
Penal Code, 1860.

3. Complainant is in business of Gold-bars. Applicant is working with Mr. Anil Maji who does business of making designer jewellery. He alleged on 12.04.2019, handed over, gold weighing 3513.750 gms. to the applicant; but neither gold was returned nor ornaments were delivered.

4. On this set of allegations, the crime was registered with L.T. Marg Police Station under Section 409 read with 120-B of the Indian Penal Code, 1860 against the applicant and Anil Maji.

5. The learned Sessions Judge, released co-accused Anil Maji inter-alia holding that whats-app messages and the statement produced on record by the Anil Maji, primarily shows, the transaction is of 'civil' in nature.

6. In consistency between accounts statement, allegedly forwarded to the Anil Maji by the

complainant and the allegations in the complaint *qua* quantity of gold, has been pointed out.

7. It is submitted that the complainant has filed a suit in this Court seeking a decree to recover gold weighing 20.76 Kg. against the applicant and his employer Mr. Anil Maji.

8. I have perused investigation record. In view of the facts of the case and particularly since the employer of the applicant is released on bail the application. The applicant is directed to be released on bail on the following terms and conditions :

ORDER

(i) The applicant shall be released on bail in connection with crime no.171/2019 registered with L.T. Marg Police Station under Sections 409, 120-B of the Indian Penal Code on his executing personal bond of Rs.25,000/- each (Rs. Twenty Five Thousand each) with one or two solvent sureties each of the

like amount;

(ii) The applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court;

(iii) The applicant shall make themselves available for interrogation by a police officer as and when required under written intimation until further orders;

(iv) The applicant shall cooperate the investigating agency and shall attend L.T. Marg Police Station on every Monday in between 11:00 a.m. to 02:00 p.m. till filing of chargesheet;

(v) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail;

(vi) The applicant shall not leave Mumbai without prior permission of the concern Court;

(vii) On violation of any of the aforesaid conditions, prosecution would be at liberty to move for cancellation of bail.

9. The application is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

11. All concerned to act on the authenticated copy of this order.

(SANDEEP. K. SHINDE, J.)