

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

CRIMINAL BAIL APPLICATION NO.2574 OF 2019

Malcolm Lawrence Feranades

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Sujit Shelar, i/b. Ganesh R. Dalvi, for the Applicant.
Smt. Rutuja Ambekar, APP for the Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th March, 2020

P.C.:

1. The applicant is seeking bail in connection with C.R.No. 192 of 2019, registered with Malad Police Station, Mumbai, for offences punishable under Sections 408, 465, 467, 468, 471 and 411 of Indian Penal Code ("IPC" for short).
2. The applicant was arrested on 15th May 2019. The case of the prosecution is that, the complainant is in the business of manufacturing diamond and gold ornaments carrying out the business by in the name and style as "Jhalak Jewelers". The ornaments are supplied to various jewelers on credit of 4 to 6 months. The applicant was working as a marketing Manager of Jhalak Jewelers. He was responsible for procuring orders from

various jewelers by showing samples. Thereafter, the complainant used to supply requisite diamonds and gold ornaments to prospective customers. The applicant was procuring orders from the customers and the complainant was supplying the ornaments/gold to the customers. The complainant realized that, he did not receive payment from several customers and made calls to those persons to whom the ornaments were supplied. The customers intimated the complainant that the ornaments/gold was not received by them. Hence, it was revealed that applicant has misappropriated gold/ornaments. Hence, the FIR was lodged. The statements of various witnesses were recorded and on completing investigation charge sheet is filed.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. He is in custody from the date of arrest. There are no criminal antecedents against the applicant. The receipts received by the customers to whom the ornaments were supplied but do not form part of charge sheet. There is nothing on record to show that the ornaments were purchased by the complainant or he was having stock of gold ornaments in the shop. The stock register or any other requisite documents do not form part of charge sheet.

4. Learned APP submitted that the statements of the customers were recorded to whom allegedly the gold ornaments were sold. There is recovery of gold ornaments in the sum of Rs.19,46,000/- at the instance of another person to whom applicant allegedly handed over gold. The applicant was employed with the complainant. There is strong evidence to show the involvement of the applicant in the crime.

5. The applicant is in custody from the date of arrest. All the offences are triable by the Magistrate. There is recovery of gold worth Rs. 19,46,000/-. The contention of the applicant is that, there is no evidence on record to show that the gold was handed over to the applicant. Stock register of receipts are not produced on record. Considering the aforesaid circumstances, further detention of the applicant is not necessary.

ORDER

(i) Bail Application No.2574 of 2019 is allowed.

(ii) The applicant is directed to be released on bail in connection with C.R.No.192 of 2019, registered with Malad Police Station, Mumbai, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further orders;
- (iv) The Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)