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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 478 OF 2021

SANDIP POPATLAL SHAH AND ANR APPLICANTS

V/s.

THE STATE OF MAHARASHTRA RESPONDENT

Ms. Suvarna A. Vast for the applicants

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 18, 2021.

P.C.:

1] Applicant is seeking regular bail in C.R. No. 635/2019 registered with Dindoshi Police Station for Offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

2] Case of the prosecution against the applicant is, applicant and his brother cheated four diamond merchants for an amount of Rs. 2 Crores 94 Lakhs.

3] Record depicts that there is an acknowledgment of receipt of diamonds by the applicant so also statement of diamond merchants implicating the applicant.

4] That being so, case of the applicant that receipt does not contain his signature in the form of defence need not be appreciated at this stage. There is strong prima facie case against the applicant. Application fails, stands rejected.

5] Learned APP in response to the Court's query submits that every endeavour shall be made by the Investigating Officer to refer the matter to handwriting expert in view of defence argued before this court and the report of handwriting expert shall be placed before the Court below. If such reference is made by the Investigating Officer to the Forensic Science Laboratory, it is expected of the said authority to submit its opinion within period of 4 months from the date of receipt of such proposal. Once the said proposal is placed on record before the Court below, liberty to applicant to approach afresh.

6] In case if the applicant fails to cooperate in giving specimen of the handwriting, Court below is at liberty to draw adverse inference.

[NITIN W. SAMBRE, J.]