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

**ANTICIPATORY BAIL APPLICATION NO.858 OF 2020**

Nirmal Lalchand Dhera .. Applicant
***Versus***
State of Maharashtra .. Respondent

......

Mr.Dheeraj Panchange, Advocate for the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent – State.

IO API M.V. Chaudhari, Ulhasangar Police Station, District – Thane, present.

......

**CORAM : PRAKASH D. NAIK, J.**

**DATED : FEBRUARY 05, 2021.**

**P.C. :**

This is an application for anticipatory bail in connection with C.R. No.I–375 of 2020, registered with Ulhasnagar Police Station, District–Thane, for offences punishable under Sections 420, 406 and 506 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged on 11th November, 2020. Nirmal @ Vikki Lalchand Dhera (accused) is resident of Ulhasnagar. He is having factory of



This order is corrected pursuant to Speaking to the Minutes order dated 25th February,2021.

preparing gold rings at Sonar Galli, Ulhasnagar. The complainant had transactions with applicant/accused. The complainant was giving pure gold to applicant and obtain signature on voucher. On 14th March, 2020, complainant handed gold to applicant in the presence of two persons. The gold was weighing 1600 grams. Gold was given for preparing ladies finger rings. Signature was obtained on voucher. On demand, he did not return gold. The value of gold was Rs.83,50,000/-.

3 Learned advocate for the applicant submits that the case is false. The factory is not owned by the applicant. The applicant is not concerned with the transaction. Applicant was not Vicky. Voucher is signed by Vicky. There are no documents to show any transaction between the applicant and the complainant. The applicant had filed N.C. complaint against the complainant prior to registration of FIR stating that some person had threatened him at residence. Complainant had forwarded a letter which does not give details of the transaction. The applicant had attended the investigating officer and co-operated with the investigation. Applicant has lodged complaint to police against complainant for forging his signature on voucher.

4 Learned APP submit that there is sufficient evidence to show the complicity of the applicant in the offence. The receipt bears the signature of the applicant. There are witnesses supporting the case of the complainant that a gold was handed over to the applicant. The statements of witnesses also indicate that the applicant is conducting the transactions with several persons and he has represented himself as Vickey and now it is learnt that his name is Nirmal Dhera. It is further submitted that the panchayat meeting was held in which the applicant had agreed that he would return the gold weighing 300 grams to settle the dispute.

5 On perusal of the FIR and the investigation papers produced by the learned APP, the involvement of the applicant is disclosed. Statements of the witnesses show the complicity of the applicant in the offence. The complainant's case is supported by voucher and statements of witnesses. The applicant is disputing his identity. However, investigation supports claim of complainant. Thorough investigation is required to be conducted. No case for grant of anticipatory bail is made out. Anticipatory Bail Application is rejected and disposed of accordingly.

6 At this stage, learned counsel for the applicant submits that the protection granted by this Court be continued for six weeks to enable the applicant to approach the Apex Court. The request is opposed by learned APP. Since the applicant intends to approach the Apex Court, interim protection granted vice order dated 10th December, 2020, is extended for three weeks.

**(PRAKASH D. NAIK, J.)**

This order is corrected pursuant to Speaking to the Minutes order dated 25th February,2021.