

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

ANTICIPATORY BAIL APPLICATION NO. 2083 OF 2019

Shahaji Jagannath Ghadage .. Applicant
V/s.

The State of Maharashtra ..Respondent

**SNEHA
NITIN
CHAVAN**

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Date: 2021.08.13
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Mr. Samay Pawar i/b Gauresh Khandalekar for the Applicant.

Mrs. M.M. Deshmukh, APP for the Respondent/State.
PSI D.B. Redekar, Malad Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 13TH AUGUST, 2021

PC.

1. The Applicant apprehending arrest in Crime No. 92 of 2019 of Police station Malad, Mumbai under Section 420 and Section 34 of IPC is seeking anticipatory bail.

2. The complainant Simon Gomes is in the business of purchase of gold ornaments at the auction conducted by the various Banks and selling it in Zaveri Bazar, Mumbai. One Devilal Jain had obtained a gold loan from Dnyandeep Co-operative Credit Society Limited, Mumbai (Credit Society) and certain gold ornaments were pledged with the Bank. The Applicant being the valuer had valued

the ornaments on 24.01.2019 at Rs.1.5 lakhs and odd. The Credit Society had decided to auction the said ornaments which auction was conducted on 30.01.2019 in which the complainant along with one Shashikant Chaudhari, the Applicant and ten others had taken part. There were three lots and first lot of Rs.1,25,500/- was successfully auctioned in favour of the complainant while the remaining two lots were auctioned in favour of the Applicant. The material allegation is that when the complainant went to resell the said ornaments at Zaveri Bazar and obtained report about the purity of the gold (hallmark), it was revealed that they were not of the required purity of 24 carats certified by the present Applicant on 24.01.2019.

3. I have heard the learned counsel for the Applicant and the learned APP.

4. It appears that the offence was also registered against the borrower Devilal Jain and Mr. Bhosale, who is the Branch Manager of the Credit Society. The learned APP points out that Devilal Jain has been granted regular bail upon the arrest, while co-accused Bhosale has been granted anticipatory bail by the learned Sessions Judge. By an order dated 25.09.2019, interim protection was

granted to the Applicant, *inter alia*, on the condition of attendance. The learned APP on instructions from the Investigating Officer states that Applicant has accordingly attended and co-operated with the investigating agency and the custody of the Applicant is not required for the purpose of further investigation.

5. In that view of the matter, the Criminal Application is disposed of in terms of order dated 25.09.2019 subject to the condition that the Applicant shall attend the Investigating Officer as and when required and shall co-operate with the investigating agency and shall not tamper with the prosecution evidence/witness.

C.V. BHADANG, J.