

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1530 OF 2022

Babalu @ Isak Pathan ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe, for the Applicant
Mr. P.H. Gaikwad, APP, for the State.

CORAM : N. J. JAMADAR, J.
DATE : JULY 13, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 100 of 2022 registered with Jodbhavi Peth police station, Solapur for the offences punishable under sections 420 and 406 read with 34 of Indian Penal Code, 1860.

2. The indictment against the applicant and the co-accused is that the co-accused Samadhan Nanware, Rahul Patil and Yuvraj Pethe pledged the yellow metal ornaments bearing Hallmark and Logo BBC, weighing 101 gms and obtained a sum of Rs. 4,50,000/- thereon. It turned out that those yellow metal ornaments were not made of gold. The indictment against the applicant is that while pledging these ornaments, the co-accused Rahul Patil had stated that those ornaments belonged to the applicant Bablu Pathan, his

employer, who required the funds to pay the installments of a Poclain machine.

3. While granting interim protection this Court, on 10th June, 2022 had inter alia observed as under:-

3. Primary evaluation of first information report conveys that complainant has not ascribed any role to the applicant. Three accused in the said crime, have been arrested. It appears, one of the accused, who had pledged gold ornaments with the complainant for debt, turned out to be fake jewelry belonging to the applicant. Except that statement, there is nothing on record against the applicant showing his complicity of crime in question.

4. I have heard the learned counsel for the applicant and the learned APP for the State.

5. Evidently, apart from the aforesaid statement attributed, co-accused Rahul Patil, allegedly made at the time the sum of Rs. 1,75,000/- was raised by co-accused Rahul Patil and Yuvraj Patil on 17th November, 2021, prima facie there is no material to connect the applicant with the alleged offence. It is not the case that the applicant had approached the first informant and delivered the yellow metal ornaments. In the circumstances, for the reasons which weighed with this Court while granting interim protection, extracted above, the order of interim protection deserves to be

made absolute.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The order of interim protection dated 10th June, 2022 is made absolute on the terms and conditions incorporated therein.
- 3] In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court, if summoned.

(N. J. JAMADAR, J.)