

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

ANTICIPATORY BAIL APPLICATION NO.5 OF 2022

Lalit Pyarchand Jain

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. B.V. Holambe Patil with Mr. Vishal G. Shirsat i/b. Mr. K.K. Holambe Patil for the Applicant.

Ms A.A. Takalkar, APP for Respondent-State.

Mr. Abhijit Lande, PSI-Navghar Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th APRIL, 2022.

P.C.:-

1. By this application under Section 438 of Cr.P.C. the Applicant has sought pre-arrest bail in C.R. No.640 of 2021 registered with Navghar Police Station, Mira Bhynder Vasai Virar Police, for offences punishable under Sections 120-B, 406 and 420 of the IPC.

2. Heard Mr. Holambe Patil, learned counsel for the Applicant and Ms A.A. Takalkar, learned APP for Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Mr. Prabhakar Sah, who was working with New Golden Nest Branch of Canara Bank. Said Bank used to give loan against gold. It is the case of the Complainant that one Ramkumar Rajaram Tiwari had approached the Bank for loan. He had brought 216.15 gm gold. The Applicant, who was on the panel of the Bank had verified and valued the gold. On the basis of which said Ramkumar was given loan of Rs.11,02,000/-. Subsequently, it was found that the gold ornaments, which were given as security were not of gold. Hence, the FIR for cheating the Bank to the tune of Rs.11,02,000/- came to be filed against the Applicant and other co-accused. By order dated 04/01/2022 this Court had granted interim bail to the Applicant. Pursuant to the said order, the Applicant has reported to the investigating officer and has been interrogated.

4. Learned counsel for the Applicant states that he has deposited Rs.11,02,000/- before the Court. Learned APP under instructions from Investigating Officer states that presence of the Applicant is not required for custodial interrogation.

5. Under the circumstances, in my considered view this is a fit case for pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.640 of 2021 registered with Navghar Police Station, Mira Bhynder Vasai Virar Police, he is ordered to be released on bail on executing PR bonds in the sum of Rs.30,000/- with one or two sureties to the like amount.
- (ii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)