IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.160 OF 2022

Vinod Shantilal Ranka .... Applicant
Versus
The State of Maharashtra .... Respondent

Dr. Uday P. Warunjikar, Advocate a/w. Sumit Kate, for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent-State.
Mr. Shanu T. Raikar, Advocate for the Intervener.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.1045/2021 dated 14.10.2021 registered at Goregaon Police Station, Mumbai under Sections 406, 420, 504 read with 34 of the Indian Penal Code.

2. Heard Dr. Uday Warunjikar, learned counsel for the applicant, Smt Sharmila Kaushik, learned APP for the State and Shri Shanu Raikar, learned counsel for the Intervener.

3. The FIR is lodged by one Sangramsingh Rao. He has stated that he was working with Vishal Jewellers since the year 2010. The shop was situated in Goregaon. The informant was working on commission basis with that shop. It was owned by Dileep Jain Rathi. According to the first informant, some jewellers used to come to that shop and used to take ornaments and after those ornaments were sold; used to make payments to the informant's shop. The FIR mentions that between November, 2017 to October, 2018, the owner of Mira Jewellers, namely, Nilesh Ranka, who is the applicant's brother had taken 1500 grams of gold and for that he had promptly made payment of Rs.41,34,584/-. Therefore, Vishal Jewellers had developed faith on Mira Jewellers. Further allegations in the FIR are that Nilesh Ranka between the period 7.11.2018 to 10.11.2018 took 420 grams 970 milligrams gold. However, the gold was not returned. Money was not paid by Nilesh Ranka and the present applicant. They started avoiding making the payments. In March, 2019, the informant went to the business premises of Mira Jewellers at Goregaon, but, he came to know that the shop was closed. Therefore, he realized that the aforementioned Nilesh Ranka and

the present applicant have cheated Vishal Jewellers and, therefore, this FIR is lodged. In the FIR, it is mentioned that Vishal Jewellers was cheated for total 621 grams 970 milligrams of gold.

4. Learned counsel for the applicant submitted that the FIR itself mentions that the gold was taken by the applicant's brother Nilesh Ranka, who is already arrested and is in custody. The applicant has not taken away any gold. He submitted that there are bank transactions showing that in May, 2019 certain amount was paid to the complainant from the account of the present applicant. This fact is suppressed by the first informant in the FIR.

5. Learned counsel submitted that in any case the main allegations are against his brother who is already arrested and, therefore, the applicant's custodial interrogation is not necessary.

6. Learned APP opposed this application. The investigation papers were produced before me which contain the receipts dated 7.11.2018, 10.11.2018 and 8.11.2018. According to the prosecution, all these receipts are signed by the applicant

as well as his brother. Learned APP submitted that the amount involved is big. The applicant's role is mentioned in the FIR and, therefore, his custodial interrogation is necessary.

7. I have considered these submissions. Apart from the receipts from November, 2018, there is also a receipt dated 12.9.2019, which is signed by the applicant as per the investigating agency. If as per the FIR till November 2018 the gold was not returned and since then they were not on good terms; then this receipt dated 12.9.2019 remains unexplained. It is difficult to understand that Vishal Jewellers would then hand over further gold to the present applicant. Moreover, there is no reference in the FIR to the payment made in May, 2019 from the account of the present applicant. Thus, there appears to be some doubt in the version of the first informant. There appears to be a commercial dispute regarding the exact amount which is due and payable to Vishal Jewellers. Therefore, at this stage, sufficient doubt is created against the prosecution case.

8. In this situation, custodial interrogation of the applicant is not justified, particularly in the background that the

allegations of taking away of that particular gold are specifically made against his brother Nilesh Ranka. Therefore, the applicant deserves the protection of anticipatory bail application. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No.1045/2021 registered with Goregaon Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.

(iii) Anticipatory Bail Application stands disposed of accordingly.

PRADIPKUMAR PRAKASHRAO DESHMANE

Digitally signed by PRADIPKUMAR PRAKASHRAO DESHMANE
Date: 2022.01.21 17:01:56 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)