

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

ANTICIPATORY BAIL APPLICATION NO.2539 OF 2022

Mr.Jainam M. Jain ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Amit Munde, Advocate for the Applicant.
Ms.Anamika Malhotra, APP for the Respondent/State.
Mr.Rahul Bhandare, API, L.T.Marg Police Station present.

**CORAM : SMT. BHARATI H.DANGRE, J.
DATE : SEPTEMBER 15, 2022.**

P.C.:

1. The applicant faces accusation under sections 409, 420 r/w 34 of IPC and is apprehending his arrest in connection with C.R.No. 886 of 2022 registered with L.T. Marg police station.

2. The complaint is lodged by one Kamlesh Ratanlal, who is in the business of diamond and has his shop in Zaveri Bazar in Mumbai. He has stated in his complaint that he is the manufacturer of gold and diamond ornaments, which are then sold in the market from his office. On order being received, he also supply necessary ornaments.

3. He was introduced to the complainant and the co-accused Gaurav Gudraj and Mr.Jainam Mahendra, who too are engaged in the business of gold, through M/s Navkar Bullion and their office is situated in the same building, where the complainant was carrying out his business. On 28th

March, 2022 they visited the complainant and asked for display of gold and diamond ornaments, such as rings for gents and ladies, bracelets etc. On approving the designs, they offered to take the ornaments to a person desirous of purchasing the same, and for which the applicant was offered a commission. Since the complainant was knowing the two accused persons he handed over the gold ornaments weighing 299.700 grams gold and 33.20 carat diamond. A voucher / bill acknowledging the receipt of the ornaments is signed by the co-accused Gaurav. He was expecting return of the ornaments or the money for the same, but did not receive either of them. According to the complainant, an amount of Rs.15,00,000/- is due and payable.

On another date, i.e. on 4/5/2022, when the complainant was not present in his shop, the accused persons visited it and a person from his office once again handed over the gold and diamond ornaments to them.

4. The learned counsel for the complainant would submit that he has not signed any document acknowledging the receipt of the ornaments but the learned APP states that the CCTV footage of 4th May, 2022 record that the applicant was present alongwith Gaurav Gudraj and has received the ornaments.

5. In the wake of the above statement, the custodial interrogation of the applicant is very much warranted, since the applicant is specifically deny the accusation, that he has not received any ornaments.

6. Considering the nature of accusation, since the applicant must undergo custodial investigation, the application is rejected.

(SMT. BHARATI H. DANGRE,J.)

.....