

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2844 OF 2021**

Piyush Fathelal Jain ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Gaurav Parkar with Mr. Vedant Parkar, for Applicant.
Mrs. M.R.Tidke, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 22nd JUNE, 2022

P.C.

1. This is an Application for pre-arrest bail in connection with C.R.No.343 of 2021 registered with Kharghar Police Station for the offences punishable under Sections 420, 406, 467, 468, 471 and 472 read with Section 34 of the Indian Penal Code.

2. Mr. Mohan Braj Sharma, Branch Manager of Greater Bombay Co-op. Bank Limited, Kharghar, lodged a report on 24th September, 2021 with Kharghar Police with the allegations that during the period 2nd December, 2020 to 23rd September, 2021, two of its customers, namely Savio Martin and Parshuram S. Devrukhkar, had pledged gold and availed loan of Rs.11,12,000/- and Rs.10,20,000/- respectively, representing that the gold ornaments pledged were genuine and were made of gold of standard purity. As the grievance was made that the ornaments returned, upon repayment of the loan amount, were not of pure gold, the ornaments

pledged by Mr. Parshuram Devrukhkar were got examined from the bank's valuer Mr. Piyush Jain, the Applicant. It was found that the pledged articles were made of copper with gold coating. The first informant, therefore, lodged a report against the customers and the bank approved valuer – Bharat Rajawat and Dhansukhlal Singhavi.

3. This Court by an order dated 29th November, 2021 granted interim relief to the Applicant, noting that the Applicant was an employee of Mr. Bharat Rajawat.

4. The learned Advocate for the Applicant submits that the approved valuer – Bharat Rajawat was arrested and detained in custody till the lodging of the charge sheet. The allegations against the Applicant is not that the Applicant had issued the certificate of purity in respect of the articles pledged by Mr. Savio Martin and Mr. Parshuram Devrukhkar. The certificates were allegedly issued by Mr. Bhart Rajawat and Mr. Dhansukhlal Singhavi.

5. The aforesaid submissions appear to have some substance. From the perusal of the allegations in the FIR, it becomes abundantly clear that the role attributed to the Applicant is that of examining the articles, after a grievance was made that those articles were not made of gold. The Applicant opined that the articles were made of copper plate coated with gold. It is nowhere alleged in the FIR that the Applicant had certified the genuineness and purity of the metal.

6. For the foregoing reasons, I am persuaded to hold that the interim order of pre-arrest bail deserves to be made absolute. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) Interim order dated 29th November, 2021 granting pre-arrest bail to the Applicant is made absolute on the terms and conditions incorporated therein.
- (iii) In addition, the Applicant shall attend the proceedings before the jurisdictional court.

(N.J.JAMADAR, J.)