

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2731 OF 2022

Jasi Kumar Rajendran	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Aditya Iyer a/w Mr. Adwit H., Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	6th OCTOBER, 2022.

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 522 of 2021, registered on 10th December, 2021 with Chaturshringi Police Station for offences under Sections 120-B and 420 r/w 34 of Indian Penal Code.

2. The case of the complainant she was acquainted with applicant and his family since 2011. On 26th March, 2019 the complainant and applicant pledged gold ornaments of complainant's mother with Manipuram Finance Company and obtained loan of Rs.7,00,000/-. The complainant handed over cash of Rs.2,00,000/- to applicant. The balance amount of Rs.5,00,000/- was deposited by complainant in her account and then transferred to account of applicant. Thereafter, applicant told the complainant that, ornaments can be pledged with his

Goldsmith at Mumbai. Applicant transferred Rs.5,00,000/- into the account of complainant and handed over cash of Rs.2,00,000/-. The amount of Rs.2,00,000/- was deposited with Manipuram Finance and Rs.5,00,000/- were transferred to said Finance Company. Gold ornaments were released. The gold ornaments were handed over to applicant. He stated that he would return ornaments in three months. He left for Mumbai. He did not return ornaments. Applicant called complainant to Mumbai. After reaching Mumbai complainant tried to contact applicant his phone was switched off. Sister of applicant told complainant that applicant has met with accident. He is hospitalized. Mother of applicant than told complainant that applicant is convicted in some case and he is in jail. He would return her money after his release. She should not lodge complainant. In March 2021, complainant met applicant and demanded her ornaments. He gave excuses. The value of gold ornaments is Rs.12,90,510/-

3. Learned Advocate for the applicant submits that the entire case is false and based on concocted version of the complainant. The documents on record would indicate the complainant and applicant were in extra-marital relationship. There is no proof of handing over the gold ornaments. The what's app messages

exchanged between the applicant and complainant would indicate, that the applicant had denied having gold ornaments with him. On account of the harassment caused by the complainant to applicant, he had lodged the complaint with the police. The applicant has co-operated with the investigation. Custodial interrogation is not necessary. The entire family of the applicant was roped in the FIR. The parents of the applicant were granted anticipatory bail.

4. Learned APP submitted that messages between informant and the applicant indicate that the gold ornaments were received by the applicant. Investigation is required to be conducted for the purpose of recovery of gold ornaments.

5. I have perused the documents on record. The application for anticipatory bail preferred by the applicant was also opposed by the complainant before the Sessions Court. From the averments in the FIR and the messages between applicant and complainant. Learned upon the prosecution as well as by the applicant it can be seen that allegations of relating gold ornaments are made against the applicant. *Prima facie* material indicates that that gold ornaments were handed over to the applicant. One more case was registered against the applicant vide C.R. No.532 of 2020 registered with Dharavi Police Station for an offence under Section 395 of Indian

Penal Code. The ornaments are required to be recovered.

6. No case is made out for grant of anticipatory bail.

ORDER

Criminal Anticipatory Bail Application No. 2731 of 2022 is
rejected and disposed off.

(PRAKASH D. NAIK, J.)