

PMB

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

ANTICIPATORY BAIL APPLICATION NO.3510 OF 2022

DINESH GOSTHE MAJI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.4383 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3510 OF 2022**

TAPAS RADHANATH PATRA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Nitin V. Gangal a/w Mr. Anil Bhole and Mr. Ashok Kadam
for applicant.
Mr. Abhinav Dubey a/w Mr. Amit Pandey i/b. SAVJ Law
Solution for intervenor.
Mr. S. V. Gavand, APP for State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2022.

P.C. :

1. Heard learned counsel for the parties.
2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 409, 420, 504, 506 read with Section 34 of the Indian Penal Code, 1860 in

connection with FIR No.790 of 2022 dated 14/11/2022 registered with Kurla Police Station, Mumbai.

3. This application is opposed by learned APP and learned counsel for the complainant.

4. The dispute relates to the alleged handing over of 700 grams gold to the applicant by the complainant for making of gold chains. It is alleged that gold chain of 140 grams was only returned thereby keeping the gold of 560 grams with the applicant. This is seriously disputed by the applicant. Nonetheless, the applicant agreed to file an undertaking to deposit substantial part of the value of the disputed gold and accordingly an undertaking dated 21/12/2022 has been filed. The undertaking is taken on record. The applicant is personally present in the Court and says that he agrees to abide by the undertaking. Even the complainant is interested in return of the gold or the value thereof.

5. In this view of the matter, the applicant could be released on pre-arrest bail and his further custody is not necessary. Hence, the following order :-

ORDER

- (a) Application is allowed.
 - (b) In the event of arrest in connection with FIR No.790 of 2022 registered with Kurla Police Station, the applicant-Dinesh Gosthe Maji shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
 - (c) The applicant shall report to the concerned police station on 26/12/2022 and 27/12/2022 between 10.00 and 12.00 p.m. and thereafter as and when called.
 - (d) The applicant to co-operate with the Investigating Officer.
 - (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
 - (f) The applicant shall furnish the details of his residential address and phone numbers to the investigating officer.
 - (g) The applicant to abide by the undertaking.
 - (h) If there is breach of the undertaking, liberty to apply for cancellation of bail.
- 6.** The Anticipatory Bail Application stands disposed of.
 - 7.** The Interim Application is also disposed of.

(M. S. KARNIK, J.)