



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 BAIL APPLICATION NO. 2105 OF 2023

Vishal Dinanath Roy

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

Advocate for Applicant : Mr. H. P. Randir h/f Sejal K. Agrawal
APP for Respondent : Mr. A. S. Shinde

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : December 20, 2023

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No. 0545 of 2022 registered with police station, Bhusawal, District Jalgaon for the offences punishable under Sections 408, 409, 201 r/w 34 of the Indian Penal Code.

2. Investigation has been set in motion on the basis of information given by Aanik Singh Satyendrakishor Singh, who is Area Manager with Mannapuram Finance Ltd. In nutshell, it is alleged that applicant/accused is working as Branch Manager at Bhusawal branch of company. He is resident of Uttar Pradesh. Initially, he worked with Rurkela Branch in State of Odisha and since two and half months he joined Bhusawal branch. Being Branch Manager, he possessed keys of locker. The gold mortgaged by customer is stored in

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lockers. One more key of the locker remains with Assistant Manager i.e. Sagar Zade. It is alleged that on 19.11.2022 branch office was closed after working hours at about 7.00 p.m. While Branch Manager Sagar Zade was busy in making entries on cashier book, accused Vishal Roy slyly possessed second key. On 21.11.2022 it was revealed that applicant Vishal Roy left town along with baggage and clothes. His mobile phone was switched off. The power supply of the CCTV cameras installed in the branch was disconnected. Drawers of cupboard were open. On further survey of lockers, it was noticed that sixteen packets from locker containing gold were missing. The CCTV footage available with nearby shop was checked; wherein, it was noticed that on 20.11.2022 at about 7.20 a.m. accused Vishal Roy entered in branch office and left after twenty minutes alongwith a bag and file. It is accordingly alleged that applicant stolen gold worth Rs.60,81,830/-. Investigation progressed. Applicant came to be arrested on 25.07.2023. Since then he is behind bar. His prayer for grant of bail has been rejected by Court of Sessions vide order dated 30.10.2023.

3. Learned advocate appearing for the applicant would submit that applicant has been falsely implicated in aforesaid crime. His company sold pledged gold without noticing to the customers and with intention to overcome this mistake, applicant is made scapegoat. He would submit that unless the Branch Manager and Assistant Manager uses their password and keys, the lockers cannot be opened. He would

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further submit that no incriminating articles could be seized from applicant. Investigation is completed. Charge-sheet is filed. Further detention of applicant is not necessary.

4. Mr. Shinde learned A.P.P. appearing the respondent state vehemently opposes the prayer for grant of bail. He would submit that gold worth Rs.92,75,602/- has been stolen by the applicant taking advantage of his position as Branch Manager. He was possessing key of locker and also secured another key from possession of Assistant Manager and flee away with huge quantity of gold. He would point out that on 20.11.2022 i.e. on Sunday applicant is seen entering into branch office. He disconnected CCTV cameras a day before committing the theft. Then left the town with baggage. His mobile phones were found switched off. He could be arrested after eight months of incident. Presence of applicant in the branch office at relevant time, the fact that he was possessing key of locker and further his conduct intangibly depicts that he is a culprit. So far as recovery of incriminating articles is concerned, Mr. Shinde would point out that sister of the applicant i.e. accused no.02 to whom possession of stolen articles has been handed over by the applicant is still absconding.

5. Having considered the submissions advanced and on perusal of investigation papers, it is apparent that applicant was working as Branch Manager with Mannapuram Finance Ltd. Branch office Bhusawal. He was custodian of gold

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pledged by customers. He was possessing key of locker. On 19.11.2022 applicant entered into office and disconnected electricity supply of CCTV cameras. On next morning at about 7.20 a.m. i.e. on Sunday, he entered into office. He was in the brnach office for twenty minutes and then seen leaving office. Those images are captured from CCTV footages installed with adjacent shop owners. After giving effect to the crime, applicant flee away. His mobile phones were unreachable and he could be arrested only after eight months. Applicant was possessing key of locker where gold ornaments were stored. Another key was procured slyly from Assistant Manager while he was busy in making some entries. All aforesaid facts are clearly brought on record during course of investigation. Further conduct of applicant immediately after incident supports prosecution case. Till this date recovery of gold ornaments could not be effected. Those are suspected to be with accused no.02 i.e. sister of applicant who is still absconding. Therefore, at this stage, release of applicant would hamper further progress in the investigation. The chances of absconding applicant cannot be ruled out. In that view of the matter, there is no merit in the application. Application stands rejected.

(S.G. CHAPALGAONKAR)
JUDGE

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