IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.664 OF 2023

Vikramsingh Motisingh Rao ...Applicant
Versus
The State of Maharashtra ...Respondent
...
Mr. Kartik Garg i/b. M/s. M.D. Mali and Co. for the Applicant.
Mr. Shrikant Yadav, APP for Respondent -State.
Mr. Mangesh Hande, PI, LT Marg Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 9th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.1065 of 2022 registered with L.T. Marg Police Station, Mumbai, for the offences punishable under Sections 409 and 420 of the IPC.

2. Heard Mr. Garg, learned counsel for the Applicant and Mr. Yadav, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Vikas Hajra. A perusal of the FIR prima facie reveals that the first informant is in business of gold jewelry. He came in contact with the Applicant sometime in January-2020. The Applicant informed him that he too was involved in sale of jewelry and he had his office by name Pravika Gold, Office No.708, 7th floor, 16/22, DD Image, Champa Galli, Zaveri Bazar, Mumbai. In the course of business the Applicant would place order of jewelry with the first informant and give him gold in lieu of the jewelry made by him. It is stated that the Applicant had placed an order with the first informant to make gold jewelry of 1050 gms. Accordingly, the first informant made gold ornaments and delivered the same to the Applicant on 01/02/2021. The Applicant once again phoned him and told him to make gold ornaments of 364 gm. The first informant made the said gold ornaments and delivered the same to the Applicant on 14/02/2021 at his office. The first informant has stated that the Applicant had assured to give him 1414 gms gold. The Applicant failed to give the same and on 05/11/2021 when the Complainant went to his office, the Applicant gave him cheque worth Rs.6,00,000/-. The first informant has stated that the Applicant thereafter avoided making the payment and started giving evasive replies. The first informant has stated that in December

-2021 he went to the office of the Applicant but found that the same was locked. The first informant tried to contact the Applicant on his phone but the phone was also switched off. Hence, the first informant lodged the FIR against the Applicant for cheating him to the tune of Rs.70,00,000/-.

4. The records prima facie indicate that the Applicant had placed an order to make gold ornaments and that despite receipt of the ornaments he has failed to pay to the Complainant the value of the ornaments either in cash or by giving gold of equivalent or agreed weight. Thus, the material on record prima facie indicates that the Applicant is involved in cheating the Complainant to the tune of Rs.70,00,000/-. Learned APP states that even the cheque of Rs.6,00,000/- issued by the Applicant in favour of the Complainant has been dishonoured with an endorsement that payment was stopped. Furthermore, the Applicant was not found at his office and could not be contacted since he had switched off the phone.

5. Considering the above facts and circumstances, in my considered view this would not be a fit case for grant of pre-arrest bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

MEGHA S PARAB Digitally signed by MEGHA S PARAB Date: 2023.03.14 19:33:29 +0530