

AGK

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

ANTICIPATORY BAIL APPLICATION NO.710 OF 2023

Nitin Namdeo Bombale & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.923 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.710 OF 2023

Manik Dnyanu Barge ... Applicant

In the matter between

Nitin Namdeo Bombale & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Satyan H. Nimbalkar with Mr. Rahul Kale and Mr.
Ashish Kochale for the applicants in ABA.

Mr. Y.B. Lengare for the applicant in IA.

Mrs. Veena Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.196 of 2022 registered with Faraskhana Police Station, Pune City for offences punishable under Section 406, 420, 506 read with Section 34 of the Indian Penal Code, 1860, the applicants are seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code,

1973.

2. According to prosecution, accused no.1 is relative of applicant in the business of gold. In June 2021 accused no.1 bought 22 and 18 carat gold from Shrinath Krupa Assessers Refinery where the complainant had refined and handed over 24 carat gold. There were transactions between the applicant and accused No.1. Accused No.2 is the manager of accused No.1. Accused No.3 is the employee of accused No.1. According to the complainant, on 17 December 2021 complainant handed over 1 kilo 350 gram of 24 carat gold to all three accused as they were in need of said gold for a period of 24 hours and thereafter they refused to hand over the gold. Hence, the informant lodged report against all accused.

3. The applicants, therefore, filed application under Section 438 of the Criminal Procedure Code, 1973 seeking pre-arrest bail which was rejected by the learned Sessions Judge by order dated 24 February 2023. Aggrieved thereby, the applicants filed present anticipatory bail application.

4. On 10 March 2023, this Court protected the applicants.

5. On perusal of the material on record it prima facie appears that the accused No.2 is manager and accused no.3 is employee of accused NO.1. Prima facie it appears that there was business relationship between the informant and accused No.1. The Apex Court in Special Leave to Appeal (Cri.) No.4258-4259 of 2023 granted anticipatory bail to the accused No.1. Therefore, considering the role attributed to the applicants and their status

prima facie the applicants are entitled to relief. Hence, following order:

- a) In the event of arrest of the applicants in connection with C.R. No.196 of 2022 registered with Faraskhana Police Station, Pune City for offences punishable under Section 406, 420, 506 read with Section 34 of the Indian Penal Code, 1860, they be released on bail on furnishing P.R. Bond in the amount of Rs.50,000/- each along with one or two sureties in the like amount;
- b) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

6. The anticipatory bail application stands allowed in above terms. No costs.

7. In view of disposal of the anticipatory bail application, nothing remains to be decided in the interim application and the same stands disposed of as infructuous.

(AMIT BORKAR, J.)