

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

ANTICIPATORY BAIL APPLICATION NO. 2680 OF 2023

Sunny Suresh Digliya Jain ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Niranjana Mundargi with Mr. Keral Mehta, for Applicant.

Mr. S. H. Yadav, APP for State.

Mr. P. K. Mhaske, API, Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 6th DECEMBER, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 114 of 2022, registered with Nalasopara Police Station for the offences punishable under Sections 406 and 420 of Indian Penal Code, 1860 ("the Penal Code").
- 3) By an order dated 21st September, 2023, this Court had granted interim bail observing, inter alia, as under:-

"...7. I have perused the allegations in the FIR. copy of the FIR lodged by the applicant's father and the case diary. Evidently, the applicant has been roped in on the basis of the statement of the co- accused. It appears that the said co-accused has named a number of persons to whom he hdd allegedly delivered the gold, which he had obtained from the customers/victims. Thus, at this stage, the material against the applicant primarily consists of the statement of the co-accused.

8. In view of the developments in the intervening period in the nature of lodging of the FIR by the father of the applicant and the co-accused naming other persons also as privy to the transactions, interim protection can be granted to the applicant with a direction to join in the investigation. If the investigation reveals the complicity of the applicant and co-relation between the property which the co- accused had obtained from the customers/victims with the property allegedly entrusted to the applicant could be established, the said factor can be considered while deciding the prayer for pre- arrest bail finally..."

4) The learned APP, on instructions of the Investigating Officer, submits that the applicant had appeared before the Investigating Officer and co-operated with the investigation.

5) For the reasons which weighed with this Court in granting the interim protection and the punishment that the offences entail, further custodial interrogation of the applicant does not seem warranted to facilitate further investigation.

6) Hence, I am persuaded to make the order of interim bail absolute.

7) Thus, the following order.

ORDER

I) The order of Interim Bail dated 21 September, 2023. is made absolute on the terms and conditions incorporated therein.

II) The applicant shall henceforth appear before the Investigating Officer as and when directed.

III) The applicant shall regularly attend the proceedings before the jurisdictional Court.

IV) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]