

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3307 OF 2022**

WITH

INTERIM APPLICATION NO. 4289 OF 2022

Shrikrushn Tukaram Yamgar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Shashikant Chaudhari a/w Ms Snehal Chaudhari a/w Mr. Rahul Kale
i/b Maharashtra Law Associates for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Y. B. Lengre for the Intervener.

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CORAM : N.R. BORKAR, J.

DATED : 17 FEBRUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 196 of 2022 registered at Faraskhana Police Station, Pune City for the offences punishable under Sections 406, 420, 506 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the intervener.

4. According to the complainant, he runs the gold refinery shop in partnership with one Pandurang Mane. It is alleged that the applicant used to bring 18 and 22 carat gold to his shop to refine it into 24 carat gold and after refining the said gold he used to return it to the applicant. According to the complainant, on 17 December 2021, the applicant came to his shop and told him that he is in urgent need of 24 carat gold.

According to the complainant, due to their long standing business relations with the applicant he handed over to him 1kg 350 gm of 24 carat gold on the assurance of the applicant that he would return it within one hour. The allegations are of misappropriation of said 1kg 350gm of gold.

5. The learned counsel for the applicant submits that it is purely commercial transaction. It is further submitted that there is delay in lodging the First Information Report.

6. It appears that in relation to crime of alleged abduction of the present applicant by the son of the complainant, the statement of the present applicant was recorded on 22 March 2022. In the said statement, the present applicant has accepted that he had received 1kg 300gm gold from the complainant. The applicant has not spelled out against which transaction the said gold of 1kg 300gm, was received by him from the complainant.

7. Considering the facts and circumstances of the case, I am not inclined to release the applicant on anticipatory bail. Application is rejected.

8. Interim Application does not survive and stands disposed of.

9. At the request of the learned counsel for the applicant interim order dated 28 November 2022 shall continue to operate for the period of four weeks to enable the applicant to approach the Hon'ble Supreme Court.

(N.R. BORKAR, J.)