

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

ANTICIPATORY BAIL APPLICATION NO. 3147 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Pankaj Rajendra Prasad Mishra ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Ganesh Gole, i/b Vivek Upadhyay, Shambhu Jha and
Vikas Upadhyay, i/b Shiv Kumar Mishra, for the
Applicant.

Mr. M. G. Patil, APP for the State/Respondent.
API Suryawanshi, Achole Police Station, Mira Bhayandar,
Vasai Virar, present.

CORAM: N. J. JAMADAR, J.
DATED: 7th NOVEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.507 of 2023, registered with Achole Police Station, Mira Bhayandar, Vasai Virar, for offences punishable under Sections 420, 385 and 465 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant is running a jewellery shop under the name and style of Chamunda Gold Palace. Co-accused Prasannajit and Rameshchandra allegedly attempted to sell

fake gold chains to the first informant and when the purity of the ornaments were tested, it transpired that those chains were made of 3 carats and 2.15 carat gold only. When the first informant confronted them, they initially fled away. Later on, co-accused Prasannajit demanded an amount of Rs.1,90,000/- by giving a threat of prosecution in a false case and defaming the first informant. The first informant lodged a written report, in which the allegations were made against the applicant.

4. The learned Counsel for the applicant submitted that the applicant has been falsely roped in. The FIR refers to the transactions between the first informant and the applicant and his wife. On account of a dispute, the applicant has been falsely roped in alongwith co-accused.

5. The learned APP, on the other hand, submitted that the applicant and co-accused attempted to extort money from the first informant by submitting false testing report.

6. *Prima facie*, it appears that the dispute arose between the parties over the purity of gold ornaments, which were attempted to be sold. The allegations in the FIR are not of such nature that custodial interrogation of the applicant is warranted for further investigation. It is not the case that the

applicant had furnished the allegedly forged testing report. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.507 of 2023, registered with Achole Police Station, Mira Bhayandar, Vasai Virar, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Achole Police Station on 10th 20th and 21st November, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

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

Application stands disposed.

[N. J. JAMADAR, J.]