

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

**ANTICIPATORY BAIL APPLICATION NO.51 OF 2024**

Amol Balu Sonawane .....Applicant  
Versus  
The State of Maharashtra .... Respondent

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Mr. Sanjay Dubay, Advocate a/w. Puja Bhatt for the  
Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 09<sup>th</sup> JANUARY, 2024**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R. No.659/2023 registered at Bangur Nagar Police Station, Mumbai on 4.12.2023 under Sections 406, 420 of IPC.

2. Heard Mr. Sanjay Dubay, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. At the outset, learned counsel for the Applicant submits that inadvertently a wrong FIR is annexed to this Application. He produced a copy of the correct FIR before the Court. It is taken on record and marked 'X' for identification. Learned APP accepted that the copy produced before the Court today is the correct FIR.

4. The FIR is lodged by one Rohan Sonawane. He has stated that he is in the business of Real Estate. He got in touch with one Ravi Thakare and one Anil Sharma. In June, 2023 , the informant, Anil Sharma and Nilesh Patil were introduced to the present Applicant by Ravi Thakare. The Applicant told him that he had an antique idol in his possession. It was about 300 years old and he had a certificate from Jain Testing Laboratory, Nagpur. The price of that idol was Rs.1 Crore, but, he was willing to give it to Rohan for a lesser price. The informant Rohan told the Applicant to show that idol to him. The Applicant showed a photograph on his mobile phone. The Applicant handed over a copy of the certificate issued by the Gems Testing

Laboratory, Nagpur to the informant. It is further mentioned that the first informant believed him. He had a customer from a foreign country ready to purchase that idol and, therefore, he decided to pay Rs.1 Crore as the price. The Applicant told the informant that for bringing that idol, the informant would have to pay Rs.11 Lakhs. The informant paid him that amount in the presence of Anil Sharma and Nilesh Patil. The Applicant promised to bring the idol on the next day. The informant repeatedly called the Applicant and Ravi Thakare to bring that idol; but they avoided.

5. On 25.6.2023, the Applicant told him that there was some damage caused to the idol and it needed repairs. For that, he obtained Rs.1 Lakh more. Since the informant showed reluctance, he executed writing on a stamp paper and also gave a cancelled cheque. After that, he obtained Rs.9 Lakhs more for importing chemicals for carrying out repairs on the idol. He also obtained around Rs.52,400/- for his own medical treatment. But, ultimately nothing was

given to the informant and thus he lodged this FIR as he had suffered loss of Rs.27,52,400/-.

6. Learned counsel for the Applicant submitted that the story itself is unbelievable. It is not possible that any prudent man would part with such a huge amount without any security or without any writing executed by the accused. He submitted that the custodial interrogation of the Applicant is not necessary. He is willing to cooperate with the investigation. The Applicant is apprehending that he would be implicated in false cases. The first informant had not actually seen the idol and therefore he could not have parted with this big amount.

7. Learned APP produced the statements of Anil Sharma and Nilesh Patil. Both of them have substantially corroborated the statement of the first informant. The informant also produced a copy of the certificate issued by the Gems Testing Laboratory, Nagpur. It was given to him by the Applicant.

8. Thus, at this stage there is sufficient material available with the investigating agency showing complicity of the present Applicant. Though the informant has acted negligently without taking due care, that does not mean that the Applicant had not caused any loss to him. There is one document executed by the Applicant showing that he had received Rs.7 Lakhs from the informant. The payments are corroborated by two witnesses, namely, Anil Sharma and Nilesh Patil. Thus, at this stage, it is not possible to observe that the informant's story is false. In that case, custodial interrogation of the Applicant is necessary. Therefore, the protection under Section 438 of Cr.P.C. cannot be granted to the Applicant. The Application is rejected.

PRADIPKUMAR  
PRAKASHRAO  
DESHMANE

**(SARANG V. KOTWAL, J.)**

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