

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

ANTICIPATORY BAIL APPLICATION NO.1199 OF 2024

Lalitkumar Rameshkumar Rawal	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Sanad Desai, Advocate a/w. Ashok Bagal, Siddharth Khedekar i/b. Sonal Desai for the Applicant.

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

Mr. R. Satyanarayan, Advocate for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.210/2024 registered at L.T. Marg Police Station, Mumbai on 4.3.2024 under Section 420, 120-B read with 34 of IPC.

2. Heard Mr. Sanad Desai, learned counsel for the Applicant, Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State and Mr. R. Satyanarayan, learned counsel for the Intervenor.

3. The FIR is lodged by one Arvind Dolai. He has stated that he has a business of making ornaments after taking gold from the traders at Zaveri Bazar. He has his workshop at Kalbadevi. In March, 2015 there were other workers working with him. In March 2015 one Mukesh Raval called him. He told the informant that he along with the present Applicant and Rahul were having a business of selling the gold ornaments at Kalbadevi. Mukesh asked him whether the informant was interested in making gold ornaments for him. At that time the informant told him that he would visit Mukesh's shop and then they could discuss it. In March, 2015, the informant went to his shop. At that time the present Applicant and Rahul were present. Between March 2015 to May 2015, Mukesh, Rahul and the present Applicant placed orders for making the gold rings. The informant complied with their orders and made those rings. According to him, whenever he used to go to Mukesh's shop for giving the ornaments, the Applicant, Rahul and Bharat used to be present. Mukesh had given gold in place of gold ornaments

given by the informant. It is alleged that between March and May 2015 the informant gave him the gold ornaments weighing 1581.150 grams. In lieu of those ornaments, Mukesh gave him 1178.645 grams of gold. According to him, the transaction between the informant and other accused including the Applicant was written in a rough file. When on 26.5.2015 the informant went to collect his money from Mukesh, Rahul and the Applicant in respect of his remaining 402.505 grams of gold rings; they promised to make the payment to him within a few days. But after that the money was not given. On 29.5.2015, when the informant visited their shop, the others told him that they had closed their shop and had left their place. On 9.10.2015 the informant could contact Mukesh, but, he abused and threatened him. Thereafter there was no contact. Hence, this FIR is lodged.

4. Learned counsel for the Applicant submitted that there are no allegations specifically against the present Applicant. The alleged incidents are from the year 2015 and the FIR is lodged in the year 2024. Therefore, there is

unexplained delay in lodging the FIR. In any case the main allegations are directed against Mukesh, who is already arrested.

5. Learned APP opposed these submissions. According to her the arrested accused Mukesh had given statement under Section 27 of the Evidence Act and some part of gold was recovered. She submitted that in the FIR itself, the Applicant's role is mentioned.

6. Learned counsel for the first informant submitted that the informant had immediately approached the police. He tried to lodge his complaint in the year 2015, 2019 and 2022, but, the police did not pay any heed. The informant, therefore, had to take recourse to filing of complaint under Section 156(3) of Cr.P.C. to seek police investigation. Even thereafter in that case after the learned Magistrate passed the order under Section 156(3) of Cr.P.C. the police were reluctant to lodge the FIR. Therefore, the informant had to approach this Court and only after filing of the Writ Petition, the police

registered this FIR. Therefore, there was no delay on the part of the informant.

7. I have considered these submissions. Though learned counsel for the informant has explained the circumstances in which the FIR could not be lodged earlier, but even otherwise reading the FIR as it is all the allegations are specifically directed against Mukesh. The FIR mentions that every time the informant had approached Mukesh, the Applicant was present there. However, the transaction appears to be between the informant and Mukesh. There are clear averments that Mukesh had given him gold in place of the gold rings. It is also mentioned that the informant had given gold ornaments between 17.3.2015 to 26.5.2015 as per the orders placed with the informant by Mukesh. Thus, there is only a reference to the Applicant's name without there being any specific role attributed to him. Mukesh is already arrested. He is in custody. In this background, the Applicant's custodial interrogation is not necessary. However, he will have to cooperate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.210/2024 registered at L.T. Marg Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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DESHMANE

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