

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

ANTICIPATORY BAIL APPLICATION NO.79 OF 2024

Bappa Vasant Naskar & Anr. Applicants

versus

State of Maharashtra & Anr. Respondents

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- Mr. Karan Bhosale a/w Harsh Ramchandani i/b. Vidya Pol More, Advocate for Applicants.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
- Mr. Prathamesh Samant a/w Siddhant Dalvi, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.853/2023, dated 29/12/2023, registered with Malad Police Station, Mumbai, under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Karan Bhosale, learned counsel for the Applicants, Mr. Prathamesh Samant, learned counsel for

Respondent No.2 and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by the Respondent No.2 Sandip Agarwal. He has a business of jewellery. In 2021 he got acquainted with both the Applicants through one of his employees. Both the Applicants were in the business of making gold ornaments and diamond ornaments. The informant started giving them work. The gist of the FIR is that between 15/07/2023 to 29/10/2023, the informant had given them gold, diamond and other articles worth Rs.79,21,308/-. But the Applicants did not return the ornaments and misappropriated the informant's property. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the Applicant No.1 himself had given a complaint on 02/11/2023 to the Commissioner of Police, Greater Mumbai and Senior Inspector of Police, Malad Police Station, mentioning that the Respondent No.2 herein had not made payment of the balance

amount of Rs.30,00,000/-. According to the Applicants, this amount was misappropriated and therefore, the Respondent No.2 is the offender.

5. Learned counsel for the Respondent No.2 on the other hand submitted that he himself had given a complaint on 03/11/2023 itself at Malad Police Station, but ultimately the FIR was registered on 29/12/2023. Therefore, it cannot be said that the Respondent No.2's FIR is the counterblast.
6. Learned APP on instructions submitted that the Applicants have not attended the police station and therefore there was no progress in the investigation.
7. Considering the claim and counterclaim made by both the parties, involving monetary transaction, it is necessary that the Applicant and the informant are questioned by the police in respect of the exact nature of transaction. Both the Applicants will have to attend the concerned police station and will have to

cooperate with the investigation. Therefore, today I am protecting the Applicants by way of ad-interim relief with the directions to the Applicants to attend the concerned police station and cooperate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.853/2023, dated 29/12/2023, registered with Malad Police Station, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station on 29/01/2024, 30/01/2024 and 31/01/2024 between 01.00 to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.

(iii) This order shall operate till 22/02/2024.

(iv) Stand over to 22/02/2024.

(SARANG V. KOTWAL, J.)