

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

ANTICIPATORY BAIL APPLICATION NO.846 OF 2024

Khimraj Vagji Rawal

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Abhinav Dubey, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.83/2024, dated 28/01/2024, registered with L. T. Marg Police Station, Mumbai, under sections 409, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Abhinav Dubey, learned counsel for the Applicant and Mr. Avinash A. Naik, learned APP for the State.

3. The FIR is lodged by one Jignesh Palrecha. The gist of

the FIR is that the Applicant was in the business of selling gold jewellery. On 01/10/2023, the informant who was also in the same business, had requested him to send gold ornaments weighing 172.320 gms worth Rs.8,04,000/-. The informant sent his employee with the ornaments to the Applicant, who received them, signed the invoice, but did not make the payment. The informant went to his shop, but on some pretext, the informant sought some time, but the payment was not made. It is alleged that subsequently, the Applicant was convinced that his ornaments were misappropriated. On this basis, the FIR is lodged.

4. At the outset, learned counsel for the Applicant on instructions makes a statement that he is not denying that the ornaments were received. The informant could not pay the amount because he had further sold those ornaments to another party, who had not paid the price of the ornaments. However, in spite of that, the Applicant is voluntarily willing to deposit the said amount in the Court with some reasonable interest within a period of two weeks from today and the Applicant has no

objection if the informant withdraws that amount. The Applicant is willing to deposit Rs.8,40,000/-

5. Learned APP on instructions makes a statement that this is not an isolated incident. There are other complaints against the Applicant.

6. I have considered these submissions. Strictly on the basis of submissions made by the Applicant, showing his willingness to deposit the said amount with interest, I am inclined to protect the Applicant, by way of ad-interim relief. If some other parties are also cheated, that would be a separate subject matter. The investigating agency is free to take steps in accordance with law in that behalf.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.83/2024, dated 28/01/2024, registered

with L. T. Marg Police Station, Mumbai, till the next date, 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) This order shall operate till 19/04/2024.
- (iii) The Applicant is permitted to deposit the amount of Rs.8,40,000/- (Rupees Eight Lakhs Forty Thousand only) in this Court within a period of two weeks from today.
- (iv) Stand over to 19/04/2024.

(SARANG V. KOTWAL, J.)