

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

**ANTICIPATORY BAIL APPLICATION NO. 846 OF 2024**

Khimraj Vagji Rawal

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Abhinav J. Dubey for Applicant.

Mr. Swapnil V. Valve, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14 JUNE 2024

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.83 of 2024, registered with L. T. Marg Police Station, Mumbai, on 28.01.2024, under sections 409, 420 r/w. 34 of the Indian Penal Code.

2. The F.I.R. is lodged by one Jignesh Palrecha. The gist of the F.I.R. is that the Applicant was in the business of selling gold jewellery. On 01/10/2023, the applicant requested the informant to send gold ornaments weighing 172.320grams 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 the applicant's shop, but on some pretext, the applicant sought some time. He did not make the payment. It is alleged that, the applicant gave some excuses or the other, but did not make the payment. The informant realized that his ornaments were misappropriated. It was done with pre-planning and, therefore, this F.I.R. was lodged.

3. Heard Mr. Abhinav Dubey, learned counsel for the Applicant and Mr. Swapnil Valve, learned APP for the State.

4. On the previous occasion, learned counsel for the applicant had made a statement on instructions that the applicant was not denying that the ornaments were not received, but the amount could not be paid because he had further sold those ornaments to other party who had not paid the price of the ornaments. In spite of that, the applicant was voluntarily willing to deposit the amount of jewellery in the Court with some reasonable interest within two weeks from 01.04.2024. The applicant had no objection if the informant withdrew that amount.

5. Today, the learned counsel for the applicant submitted that the applicant is arrested in connection with some other offence. The amount as undertaken was not deposited by the applicant. He does not have any other instructions in the matter.

6. Considering this situation, I have heard the parties on merits of the matter. I have perused the F.I.R. The offence is clearly made out against the applicant, as discussed in the narration of the F.I.R. Learned APP submitted that, after registration of this F.I.R. two more offences are registered against the applicant and he is arrested in one of those offences. Thus, it was his *modus operandi* and the applicant has cheated the others, as well. Considering these submissions, it is clear that the present offence was committed with premeditation and the ornaments were deliberately misappropriated. The matter requires custodial interrogation of the applicant. The offence is serious.

7. Hence, the application is rejected.

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