

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

ANTICIPATORY BAIL APPLICATION NO. 928 OF 2024

Hetusingh Rathod

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Satyam H. Nimbalkar a/w. Harshwardhan M. Pawar for
Applicant.

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

CORAM : SARANG V. KOTWAL, J.

DATE : 2 AUGUST 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.201 of 2023 registered at Nigdi Police Station, Pimpri-Chinchwad, under sections 420 and 408 r/w. 34 of the Indian Penal Code.

2. Heard Mr Satyam Nimbalkar, learned counsel for the applicant and Mr. Swapnil Walve, learned APP for the State.

3. The F.I.R. was lodged by the owner of Shree Ambika Jewellers and Parshva Gold at Pimpri. One Khushal Oswal was working with the informant as an Accountant. He was also

entrusted with the work of marketing and looking after the stock. He along with the employees who used to work with the informant conspired together and falsified the accounts. The gold ornaments and the cash were misappropriated. The ornaments and the cash were given to different accused. The allegations against the present applicant are that the Accused No.6 Bharatsingh Rathod had given some gold to the present applicant who was also a jeweller at the relevant time. The investigation was carried out and after completion of the investigation, even the charge-sheet is filed.

4. Learned counsel for the applicant submitted that, there is absolutely no material against the applicant in the entire charge-sheet. There are statements of one Nandkumar Jagtap and one Nikhil Patil who have stated that Khushal Oswal had given some gold to those two witnesses, as well. In spite of that, they are not shown as accused. Their case is not different from the allegations against the present applicant. He, therefore, submitted that the applicant's custodial interrogation would be unfair in this case.

5. Learned APP submitted that the *modus operandi* in this case was to misappropriate the ornaments and gold by falsification of the accounts. It was done by Khushal Oswal and then the gold was distributed amongst the different accused, and it was sold to different jewellers.

6. I have considered these submissions. I have perused the charge-sheet. There is hardly any material against the applicant except one statement of accused Bharatsingh Rathod wherein there is a reference that he had given 300gms. to 350gms. of gold to the applicant from time to time. It was given to this accused Bharatsingh Rathod by Khushal Oswal. However, this statement has not further led to any recovery.

7. On the previous occasion, I had granted ad-interim protection to the applicant with directions to him to attend the concerned police station on 22.04.2024, 23.04.2024 and on 24.04.2024. Accordingly, the applicant has attended the concerned police station. Therefore, the police had sufficient opportunity to question him. His case is not different from the case of Nikhil Patil

and Nandkumar Jagtap, as mentioned earlier. In this view of the matter, custodial interrogation of the applicant is not necessary. He can be protected U/s.438 of the Cr.P.C., 1973. However, the applicant will have to continue to co-operate with the investigation.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.201 of 2023 registered at Nigdi Police Station, Pimpri-Chinchwad, the applicant is directed to be released on bail on his executing P. R. 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) The Application is disposed of.

(SARANG V. KOTWAL, J.)