

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

Anticipatory Bail Application No.1230 of 2024

Kamlesh Rawal
Aged 27 years, Occ: Business
Indian Inhabitant,
Residing at-SajawatoKaBas
Boradi, Pali Rajasthan-306603 ... Applicant.

Vs.

The State of Maharashtra
(Through RCF Police Station
PWD building, High Court,
Bombay ... Respondent.

Mr Ravi K Dubey i/by Mukesh Yadav a/w Sanjay Chaturvedi for
the applicant.

Ms Supriya Kak, APP, for the respondent/ State.
PSI HT Kedari, RCF Police Station.

Coram: R.N. Laddha, J.

Date: 2 December 2024.

P.C.:

Heard Mr Ravi Dubey, the learned Counsel appearing on
behalf of the applicant and Ms Supriya Kak, the learned
Additional Public Prosecutor representing the respondent/State.

2. By this application, the applicant seeks pre-arrest bail in
connection with CR No.154 of 2023, registered at RCF Police

Station, for offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

3. The prosecution's case briefly states that the informant has known the applicant since 2018 and used to buy gold ornaments from the applicant. In the year 2020, the informant, needing financial assistance, took a loan of Rs.1,93,000/- by mortgaging gold ornaments valued at Rs.2,40,000/-. On 19 April 2022, the informant repaid Rs.2,00,000/- to the applicant by securing a loan of Rs.7,00,000/- from Fultron Bank, Andheri, and requested the return of his gold ornaments. However, the applicant did not return the gold ornaments and absconded.

4. The learned Counsel for the applicant, emphasising the applicant's innocence, submits that the applicant has been falsely implicated in the present crime. It is contended that there is no material to suggest any act of inducement or deceit by the applicant towards the informant, and the allegations lack substantive merit. The learned Counsel asserts that the applicant has no intention of evading the legal process and is willing to cooperate with the investigation, including complying with any conditions imposed by this Court.

5. On the other hand, the learned APP submits that the

informant had handed over gold ornaments valued at Rs. Rs.2,40,000/- as collateral for a loan of Rs.1,93,000/-. However, after receiving the gold ornaments and the amount of Rs.2,00,000/-, the applicant absconded. To date, the gold ornaments have not been recovered. Despite being served a notice under Section 41-A of Cr.P.C., the applicant failed to appear before the investigating officer and did not cooperate with the investigation. Moreover, the applicant has allegedly employed similar deceptive tactics to defraud four other victims. At the time of securing an ad-interim protection order, the applicant assured the Court that he would resolve the matter with the informant and another victim, one Shirke. However, the applicant has neither made any effort to settle the issues nor cooperated with the ongoing investigation. The investigation is still in progress.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. The material on record provides sufficient evidence to indicate the applicant's involvement in the alleged crime. The applicant is specifically named in the FIR, and the investigation is still at a preliminary stage. That apart, four additional victims, who have faced similar circumstances, have come forward to depose statements against the applicant. The applicant was granted

interim protection by this Court on 7 May 2024, based on his representation that he would settle the matter with the informant and another victim, Shirke. However, the applicant has failed to make any efforts to honor this commitment or cooperate with the investigation. In cases of this nature, custodial interrogation is often indispensable to uncover the scope of the fraudulent activity and its intricacies. The possibility of there being similarly circumstanced additional victims is also eminent. Release of the applicant on pre-arrest bail would jeopardised the course of effective investigation. I am, therefore, not inclined to exercise the discretion in favour of the applicant. As a result, the application stands rejected. Consequently, the interim order dated 7 May 2024 stands vacated.

[R.N. Laddha, J.]