

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2013 OF 2024**

Kailas Shankar Kudalkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Ajit Kenjale a/w. Ms. Utkantha A. Kenjale, Ms. Deepali Yawatkar, Sai Rajendra Kadam, Mr. Azharuddin A. Khan and Ms. Prachi Deokar for applicant.

Mr. R. M. Pethe, APP for respondent-State.

Ms. Varsha S. Dalimbkar, PSI, Gandhi Nagar Police Station, District Kolhapur.

**CORAM : MANISH PITALE, J.
DATE : 05th AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0267 of 2024 dated 25.06.2024 registered at Gandhi Nagar Police Station, District Kolhapur for offences under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code, 1860.

3. The FIR is registered on the basis of the statement of informant, who is an officer working with Bank of Baroda, Gandhi Nagar Branch, District Kolhapur. It is alleged that the co-accused person took loan from the bank and in that regard, deposited gold jewellery. The applicant being gold

assessor of the bank, certified that the said gold is genuine. Later, it came to light that the said jewellery was fake, leading to registration of FIR. It is stated that the bank has suffered a loss of about ₹ 9.45 lakhs in the present case.

4. The learned counsel for the applicant submits that the applicant is a gold assessor for a number of banks and that he was appointed as gold assessor as far back as in the year 2019. It is submitted that the applicant proceeded on the basis of the “hallmark” found on the jewellery submitted by the co-accused person, while taking loan. It is submitted that the applicant is not a beneficiary and he had no reason to go out of his way to help the co-accused person.

5. On the other hand, the learned APP submitted that specified procedure has to be followed by such gold assessor for issuing certificate of genuineness. It is submitted that the procedure was not followed and explanation sought to be given by the applicant ought not to be considered. It is further submitted that the investigation has revealed that there are call detail records to show that when the co-accused person took loan (6 times), on each occasion, the co-accused person was in touch with the applicant, thereby indicating involvement of the applicant.

6. This Court has perused the material in the light of the rival submissions. As a gold assessor of the bank, it was incumbent upon the applicant to carry out all necessary tests to determine as to whether the gold jewellery submitted by co-accused person, while availing loan, was indeed genuine. The procedure is well laid down and there is nothing to indicate that the applicant followed the procedure. In fact, the explanation sought to

be given by the applicant itself *prima facie* indicates that the applicant did not carry out the procedure. It cannot lie in the mouth of the applicant as a gold assessor, to claim that he proceeded on the basis of the “hallmark” found on the jewellery submitted by the co-accused person. Such a statement can perhaps be made by a lay person, but not a gold assessor, who claims to be gold assessor in a number of banks.

7. Apart from this, the factor indicated by the learned APP which has come to light during the course of investigation, does indicate *prima facie* involvement of the applicant in the present case.

8. No case is made out by the applicant for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J)