

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

ANTICIPATORY BAIL APPLICATION NO. 2860 OF 2024

Vishnu Appaso Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Shekhar Jagtap a/w Ms. Bhagyashree Ganwani, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Umar Shamshuddin Fakir, H.C., Atpadi Police Station, Sangli

CORAM : MANISH PITALE, J.

DATE : 23rd OCTOBER, 2024.

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MALANI

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P. C. :

1. Heard, Mr. Jagtap, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0315 of 2024, dated 25.07.2024, registered at Police Station Atpadi, District Sangli, for offences under Sections 420 and 409 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant, leading to registration of the FIR shows that, according to the informant, the applicant was known to him for about 10 years. It is alleged that the applicant is in the business of making gold jewellery and when he met the informant at a particular function, he had given an impression to the informant that if gold was provided, jewellery at the reasonable rate could be made and supplied to the informant. In that

light, it was alleged that gold bar of 1500 grams was handed over to the applicant on 03.11.2023. But, thereafter, neither the jewellery items were made and sent by the applicant nor was the gold bar returned.

4. The learned counsel for the applicant submits that the allegation against the applicant is false. There is nothing to indicate handing over of such gold bar and further that the allegation has been made in the backdrop of a dispute between the parties regarding purchase of an immovable property. It is further alleged that the informant himself has a criminal background, as the Department of Revenue Intelligence (DRI) has initiated proceedings against him. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP submits that the statement of the informant, leading to registration of the FIR, sufficiently makes out the ingredients of offences registered in the present case. Copies of vouchers and relevant document found during the course of investigation, is tendered for perusal of this Court. It is submitted that such document clearly indicates that on 03.11.2023, gold bar of 1500 gms was handed over to the applicant and that such a document bears the signature of the applicant. On this basis, it is submitted that since recovery is due from the applicant and the ingredients of the offences are made out, no indulgence may be shown to the applicant.

6. This Court is of the opinion that a bare perusal of the statement of the informant shows that the ingredients of the offences are made out. The Sessions Court had initially granted interim relief to the applicant by specifically observing that it would have to be examined whether there is any material to support the allegation of handing over of the gold bar. While dismissing the application of the applicant, the Sessions Court referred to such material.

7. This Court has also perused the copies of the voucher and the relevant document titled "Material out," showing that gold bar of 1500 gms was handed over to the applicant. The document shows the signature of the applicant also. This material does show a strong *prima facie* case against the applicant. There is not even a semblance of an explanation given by the applicant. It would have been a different matter if the applicant had placed some material on record to indicate that there were such regular business transactions between the parties and that in the process of such interaction, due to some confusion, a dispute had arisen between the parties.

8. In view of the above, this Court is of the opinion that no case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)