

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

ANTICIPATORY BAIL APPLICATION NO.71 OF 2024

Suresh Ramesh Dhundhale Applicant
Versus
The State of Maharashtra Respondent

**.....
WITH
INTERIM APPLICATION NO.578 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.71 OF 2024**

Mr. Waqar N. Pathan, Advocate (appeared through VC) for the Applicant.

Smt. Sangita D. Shinde, APP for the Respondent-State.

Mr. Kayush Zariwalla, Advocate a/w. Anurag Ojha for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 01st AUGUST, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.749/2023 registered at Goregaon Police Station, Mumbai on 9.12.2023 under sections 406 and 420 of IPC.

2. Heard Mr. Waqar Pathan, learned counsel for the Applicant, Smt. Sangita Shinde, learned APP for the Respondent-State and Mr. Kayush Zariwalla, learned counsel for the Intervenor.

3. The FIR is lodged by one Vinaykumar Singh. He was having business of giving the cameras and related equipments on hire for shooting purposes. His case is that the Applicant used to hire the cameras from his shop since past many years and the informant has developed trust on him. In April and May, 2023 the Applicant took some camera equipment for shooting. He had agreed to return the cameras within 70 days. In June, 2023, the Applicant again approached the informant and asked for more cameras. The informant told him to return the earlier cameras and equipments and to pay the rent in respect of those cameras. However, the Applicant did not return those cameras and according to the first informant, it caused loss to the tune of Rs.40,18,109/-. The list of the camera equipments is mentioned in the FIR. Though there are 29 items mentioned, some of the items are

in the nature of accessories of cameras. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that he was working for a Production House and he had taken those cameras for the purpose of shooting for that Production House. The shooting was taking place in Manali, Himachal Pradesh and there was an incident of theft in which the cameras and equipments were stolen, therefore, he was unable to return the cameras. Learned counsel further submitted that the Applicant was in the process of settling the matter with the informant through mediation.

5. Learned counsel for the informant submitted that the informant is not willing to go for the settlement through mediation. The Applicant is simply taking time on this pretext. The Applicant is not honest with his intentions. He further submitted that the story that the camera equipments were stolen in Manali, Himachal Pradesh is a concocted story. The informant had approached the Senior Inspector of Police by giving his written complaint on 2.8.2023. After this

complaint was given, the Applicant had concocted his story and had sent some message to the Manali police station, Himachal Pradesh on 29.8.2023 making grievance of loss of camera equipments. Though the FIR is lodged on 9.12.2023, the informant had immediately approached the police.

6. Learned APP submitted that the Applicant is involved in a similar offence registered at Malvani police station, Mumbai vide C.R. No.1374/2023. The Applicant had attended the police station in connection with the present matter and had informed the police that the camera equipments were taken for shooting of Soham Production House. However, on investigation, it was found that there was no such Production House and there was nothing to substantiate the Applicant's claim that the camera equipments were taken for the purpose of shooting of that Production House.

7. Considering all these submissions, it is quite clear that the Applicant has misappropriated the camera equipments. The story of theft of the equipments is apparently

a concocted story, created after the informant had approached the Police. The Applicant is already involved in a similar offence as mentioned earlier. The Applicant has misled the police by giving false information, as submitted by learned APP.

8. Considering all these aspects, the Applicant does not deserve the protection of order under Section 438 of Cr.P.C. His custodial interrogation is necessary. The Application is rejected. Intervention Application is also disposed of.

(SARANG V. KOTWAL, J.)

Deshmane (PS)