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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1282 OF 2025

Mahabub Rahaman Mallick,
Age: 45 years, Occupation: Business,
Resident of Suhana Apartment,
Lendi Road, Sahensha Nagar,
Tq. & Dist. Beed, Maharashtra

.... Applicants

Versus

The State of Maharashtra,
Through, The Police Inspector/Investigating
Officer in Crime No.93/2025,
Beed City Police Station,
Tq. & Dist. Beed.

.... Respondent

.....

Mr. Baig Mirza Mazhar Javed, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 AUGUST, 2025

PRONOUNCED ON : 19 AUGUST, 2025

PER COURT :-

1. The applicant apprehends his arrest in connection with Crime No. 0093 of 2025 registered at Beed City Police Station, District Beed, for offences punishable under Sections 406 and 420 of the Indian Penal Code (IPC).

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2. According to the learned counsel, the present applicant was working as a skilled craftsman with the complainant jeweler. Thus, there was trust between the complainant and the accused, and several times gold had been entrusted for necessary design work, and after the sale transaction, money was also received by the complainant. According to him, the complaint is false and has been filed after an inordinate delay of one year. That, the ingredients of Sections 420 and 406 of the IPC are patently missing. That, the applicant is ready to cooperate with the investigation machinery and is ready to repay the amount. For all above reasons, relief of anticipatory bail is urged for.

3. Learned APP opposed the application on the ground that the applicant is from West Bengal and by floating a scheme, he has cheated the complainant and others. That, report was received from the jeweler on 31.05.2025 stating that the present applicant used to take jewelry on the pretext of showing it to customers. That, on 29.05.2024, jewelry worth Rs. 23,00,000/- was taken, but neither the jewelry nor its cost was paid. Learned APP further pointed out that the complainant has been cheated to the tune of Rs. 22,50,000/-. That, thorough investigation is necessary, and hence, learned APP seeks rejection of the application.

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4. Heard. Perused the complaint at the instance of Sachin Dahale who seems to be a jeweler. Substance of the FIR is that, in the year 2000, the present applicant began working as a craftsman with the complainant and used to take gold for manufacturing jewelry. The informant reported that, subsequently the applicant opened his own business but still took gold from the complainant, paid him for the sold gold, and returned the unsold gold. It is reported that on 29.05.2025, the applicant took away 320 grams of gold on the pretext of showing it to a customer, for which a receipt was issued. However, neither the gold was returned nor its value was paid to the complainant. On persuasion, it is alleged that a cheque was issued; however, due to the amount involved, the banker sought the consent of the drawer, i.e., the present applicant. However, the applicant neither gave consent nor returned the alleged gold taken by him on 29.05.2025, worth Rs. 22,50,000/-. Hence, the report has been lodged.

5. While the arguments were heard, the learned counsel did not deny the existence of the above business relations. In fact, readiness to settle the dues was made. The inference that can be drawn thus that the aspect of taking away the gold is not disputed. Learned counsel, though pointed out that the ingredients of Sections 420 or

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406 IPC are not attracted, such an aspect cannot be examined at this stage. The complainant is equipped with a receipt, which indicates entrustment of the gold. Under such circumstances, a thorough investigation is necessary, more particularly considering the fact that the applicant is from West Bengal. Therefore, this Court is not inclined to grant the relief as prayed for. Hence, I proceed to pass the following order:-

ORDER

Anticipatory bail application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**