

VRJ

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

BAIL APPLICATION NO.2509 OF 2024

VAIBHAV
RAMESH
JADHAV

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Jethusingh Bhavarsingh Devda

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Raju Suryawanshi for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

Ms. Sayali Shinde Sarnaik, PSI, Narpoli Police Station
is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 13, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime Register No. I-626 of 2023 registered with Narpoli Police Station, District Thane, for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860.

2. As per the prosecution case, the applicant was carrying out the business of purchase and sale of gold and silver under the name and style of "Bhawani Jewelers" situated at Mankoli Naka, Bhiwandi. It is the case of the prosecution that several villagers residing in the nearby vicinity used to deposit their gold ornaments

with the applicant as a pledge in lieu of receiving loans from him. However, it is alleged that the applicant did not issue any receipts in respect of the pledged ornaments to these persons.

3. The complainant has stated that he had taken a loan of ₹80,000/- from the applicant, at an interest rate of 2.5% per month, by pledging his gold ornaments. When the complainant approached the applicant to repay the loan and collect his gold ornaments, he found the shop closed and the applicant unavailable. Upon further inquiry, it is alleged that several villagers came forward stating that the applicant had similarly refused to return their pledged ornaments even after repayment of loan amounts. Based on these allegations, the First Information Report came to be registered.

4. The applicant was arrested on 11th August 2023. His bail application came to be rejected by the learned Sessions Court. Hence, the present application is filed seeking his release on bail.

5. The learned advocate appearing on behalf of the applicant submitted that the maximum punishment prescribed under Section 420 of the Indian Penal Code is seven years. The applicant has already been in custody for a period of about one year and ten months. It is further submitted that the charges are yet to be framed. The list of prosecution witnesses, as per the charge-sheet, includes 99 persons, and therefore, there is no likelihood that the trial will be concluded in the near future. It is argued that further incarceration of the applicant will amount to pre-trial punishment, which is not permissible in law.

6. On the other hand, the learned APP appearing for the State opposed the application. He submitted that after registration of the FIR, the applicant remained absconding, and there is every possibility that he may not cooperate with the trial proceedings if released on bail. It is submitted that the allegations against the applicant are of serious nature and are supported by the statements of several persons, who have stated that they pledged their gold ornaments with the applicant in return for financial assistance, and despite repayment of the loan amounts, the ornaments were not returned. It is, therefore, contended that ingredients of Section 420 and 406 of the IPC are prima facie fulfilled, and bail ought to be denied.

7. On perusal of the charge-sheet and the material placed on record, it appears that the case is primarily based on statements of various persons who claim to have pledged their gold ornaments with the applicant against loan amounts, and thereafter were cheated by him. Whether the same constitutes criminal breach of trust or cheating, is a matter which shall be determined at the stage of trial, after recording of evidence.

8. At this stage, it is to be noted that the applicant is in custody since 11th August 2023, and as on date, he has completed nearly 1 year and 10 months in judicial custody. The charge-sheet has already been filed, and the investigation is complete. There are 99 witnesses mentioned in the charge-sheet, and charges are yet to be framed. In such a scenario, there appears no likelihood that the trial shall conclude in the near future. Continued incarceration, particularly when the trial is not likely to commence shortly, would

infringe upon the applicant's right under Article 21 of the Constitution of India.

9. There is no material on record to show that the applicant has attempted to tamper with the evidence or threatened any witness. The apprehension of the prosecution that the applicant may abscond or not cooperate with the trial can be taken care of by imposing strict conditions.

10. In view of the above discussion and considering the nature of allegations, the period of incarceration undergone by the applicant, the stage of trial, and the principles laid down by the Hon'ble Supreme Court in *Satender Kumar Antil v. CBI*, (2022) 10 SCC 51, this Court is of the view that a case for grant of bail is made out.

11. Hence, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant shall be released on bail in connection with Crime Register No. I-626 of 2023 registered with Narpoli Police Station, Thane, upon furnishing a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court.

(c) The applicant shall not tamper with the prosecution evidence or attempt to contact any of the prosecution witnesses.

(d) The applicant shall regularly attend the trial and shall

not cause any delay in the trial proceedings.

(e) The applicant shall not leave the jurisdiction of the trial court without prior permission.

(f) The applicant shall furnish his current residential address and contact details to the Investigating Officer and inform the court of any change.

(g) The applicant shall report to the Police Station concerned twice in a month on the first and third Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.

12. It is clarified that any breach of aforesaid conditions shall entitle the aggrieved persons to apply for cancellation of bail.

13. The bail application stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)