AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4805 OF 2024
WITH
BAIL APPLICATION NO.4807 OF 2024
WITH
BAIL APPLICATION NO.4809 OF 2024
WITH
BAIL APPLICATION NO.4806 OF 2024
WITH
BAIL APPLICATION NO.4810 OF 2024
WITH
BAIL APPLICATION NO.4811 OF 2024

Jayesh Jayantilal Dedhia ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.509 OF 2025
IN
BAIL APPLICATION NO.4807 OF 2025

Bharat Vallabhdas Relan ... Applicant
In the matter between
Jayesh Jayantilal Dedhia ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.508 OF 2025
IN
BAIL APPLICATION NO.4806 OF 2025

Pratik Bharat Relan ... Applicant
In the matter between
Jayesh Jayantilal Dedhia ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Rishabh M. Vakharia, for the applicant in all BAs.
Mr. Abhijit J. Kandarkar, for Intervener in IA.
Mrs. Megha Bajoria, APP for the State – respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 23, 2025

P.C.:

1. These are applications for regular bail filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), in connection with multiple First Information Reports registered with the Narpoli Police Station, Bhiwandi. Each of these FIRs concerns offences punishable under Sections 407, 409, 411, 413, and 201 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC"). The details of the bail applications, the corresponding Crime Register (CR) numbers, and the amounts alleged to be involved in each case are as under:

BA No.	CR No.	Amount involved	Police Station
4805/2024	200/2024	39,81,520	Narpoli Police Station, Bhiwandi
4806/2024	920/2024	55,37,908	
4807/2024	857/2024	1,60,00,812	
4809/2024	404/2024	1,95,55,162	
4810/2024	174/2024	1,68,97,379	
4811/2024	199/2024	4,12,43,704	

2. Since the nature of allegations in all these cases is similar, and the only variation lies in the quantum of amounts alleged to have been misappropriated, the facts common to all these applications are taken together and narrated in brief hereunder.

3. The complainants in these cases are all businessmen engaged in trading of goods and had been utilizing the warehousing services of the applicant. It is alleged that the applicant runs a warehousing business under the name and style of "Jayesh Storage," having three separate godown premises situated at Bhiwandi, Maharashtra. A regular course of business had developed between the complainants and the applicant, whereby the complainants would store their goods with the applicant and, as and when required, send delivery orders, invoices, and e-way bills through email to facilitate the release of goods to their customers.

4. The case of the prosecution is that, on 13th January 2023, one of the complainants, namely Mr. Surendra Gupta, visited the warehouse premises and was shocked to find that his stored goods were missing or tampered with. Upon discovering this anomaly, he immediately contacted the applicant and his father. However, it is alleged that both the applicant and his father not only denied any knowledge of the incident but also failed to respond properly. Thereafter, the said Mr. Gupta approached the godown situated at Rahnal and met one Dashrath Modak, who was stated to be the warehouse manager. Said Mr. Modak confirmed that the goods belonging to the complainant were not in stock and advised him to speak with the applicant and his father directly.

5. Still not satisfied, the complainant further visited another godown of Jayesh Storage situated at Gudanvali and made inquiries with another staff member, Mr. Srinivas, who too expressed his inability to trace the goods and suggested that further clarity could only be given by the applicant or his father. Being thus confirmed that the goods were no longer traceable from any of the godown locations, and suspecting that the applicant and his father had dishonestly misappropriated the same, the complainant proceeded to lodge a complaint before the Narpoli Police Station. In CR No. 200 of 2024, the value of misappropriated goods has been stated to be ₹39,89,520/-. Similar allegations have been made in other CRs by other complainants with respect to their goods allegedly stored with the applicant.

6. Learned Advocate appearing for the applicant has submitted that, even prior to the registration of the First Information Report, the applicant had approached the authorities with a genuine grievance. He pointed out that on 16th January 2024, i.e., two days before the lodging of the FIR, the applicant submitted a written complaint to the Deputy Commissioner of Police, Zone-2, Bhiwandi. In the said complaint, the applicant requested directions to be issued to the Senior Inspector of Police, Narpoli Police Station, for providing police protection in respect of Godown No.1, which is under his control. It was further submitted that the applicant had categorically stated in his complaint that since the year 2020, several customers had been depositing their goods in the said godown. However, due to a commercial dispute between two parties, namely A & B Private Limited, the applicant suffered heavy financial losses, and taking advantage of the situation, some customers had allegedly started removing their goods from the godown without giving any receipts or disclosing the nature or quantity of goods being removed. Because of this chaotic situation, the staff working at the godown allegedly started avoiding duty out of fear or confusion. Though the applicant had approached the Narpoli Police Station with a request for intervention, the said police station allegedly refused to act upon his request. Hence, the applicant approached the Deputy Commissioner of Police, seeking police protection.

7. Learned Advocate further submitted that the applicant's father, who is arraigned as co-accused No.1 in the same set of offences, has already been granted bail by the learned Sessions Court. Therefore, on the principle of parity, the applicant also deserves to be released on bail. It is submitted that the applicant has been in custody since February 2024, and the investigating agency has already filed the charge-sheet. It is also submitted that considering the voluminous documentary and oral evidence, the trial is not likely to conclude in the near future. He further submitted that the applicant is a permanent resident of the local jurisdiction, is not likely to flee from justice, and there is no possibility of tampering with evidence or influencing witnesses, as the key witnesses have already recorded their statements. Hence, the applicant deserves the benefit of bail.

8. On the other hand, the learned Additional Public Prosecutor strongly opposed the bail applications. She submitted that the very communication relied upon by the applicant, the letter addressed to the Deputy Commissioner of Police, establishes that "Jayesh Storage" is a proprietary concern and that the applicant himself is the sole proprietor. She argued that this fact is crucial in establishing the applicant's control and dominion over the warehouse where the misappropriation allegedly occurred. She drew attention to the statements recorded by the investigating officer from several key persons including the warehouse manager, supervisor, and other workers involved in loading and unloading of goods. All these witnesses have consistently and categorically stated that it was the applicant who used to communicate with them via mobile phone, either by messages or direct calls, regarding the dispatch of goods. The applicant used to inform them of which truck was to be loaded, what goods were to be loaded, and from which complainant's stock the goods were to be taken. They further stated that only after receiving such specific instructions from the applicant, they proceeded with the loading work. It was also revealed that goods such as natural rubber, synthetic rubber, plastic granules, carbon black powder, and rubber chemicals belonging to various complainants were regularly being handled and removed under the applicant's instructions. The learned APP submitted that such consistent witness statements clearly demonstrate that the applicant exercised full and exclusive control over the entire warehousing operations, and that the warehouse functioned solely under his supervision and authority.

9. She argued that these materials falsify the defence put forth by the applicant in his complaint to the Deputy Commissioner, wherein he alleged that customers had taken away their goods without his knowledge or permission. Such a version, according to the prosecution, is an afterthought and is not borne out by the record. She further submitted that, in light of the material collected during investigation, a prima facie case is made out against the applicant for the offence punishable under Section 409 of the IPC, which deals with criminal breach of trust by a person in the capacity of a public servant or agent. Considering the applicant's position as a warehouse operator entrusted with goods worth crores of rupees, he is clearly an "agent" within the meaning of Section 409 of the IPC. The offence under the said section is a serious economic offence and is punishable with imprisonment which may extend to life. She, therefore, urged that the bail applications be rejected.

10. I have considered the submissions advanced by the learned Advocate for the applicant as well as the learned Additional Public Prosecutor. I have perused the record of investigation, the charge-sheet, and the statements of material witnesses.

11. At the outset, the fact that the present applicant was entrusted with the custody of valuable goods belonging to multiple complainants is not in dispute. The record shows that the applicant was running a warehousing business under the name and style of "Jayesh Storage" and that he was the sole proprietor of the said establishment. This is clearly admitted by the applicant himself in the communication dated 16th January 2024 addressed to the Deputy Commissioner of Police, wherein he states that several customers had stored their goods in his godowns since the year 2020. Thus, the position of dominion and control over the entrusted property is admitted.

12. The statements recorded during the course of investigation from the warehouse manager, supervisor, and the loading-unloading staff reveal a clear and consistent chain of events. All these witnesses, who were regularly employed at the godowns, have independently and unanimously stated that it was the present applicant who was in exclusive control of the day-to-day operations of the warehouses. They have categorically stated that no goods were ever dispatched or loaded onto any transport vehicle unless and until specific instructions were received from the applicant. These instructions, as per their statements, were communicated either through mobile phone calls or text messages sent by the applicant himself.

13. It has further come on record that the applicant was in possession of the digital and physical records pertaining to the delivery orders, invoices, and e-way bills issued by the complainants. These documents are crucial for identification and release of goods from the godown. The applicant alone was entrusted with the task of matching the delivery instructions received from the complainants with the actual physical movement of goods. The instructions for loading of trucks with the said goods were issued only after such verification and clearance by the applicant.

14. This pattern of conduct, as supported by the oral testimonies of the warehouse staff, points strongly to the fact that the applicant was not a passive figure or a mere name-lender, but was actively and directly involved in the handling, custody, and movement of the goods belonging to the complainants. The role attributed to him is not vague or peripheral; on the contrary, he appears to be the central authority controlling every stage of warehousing – from receipt of goods, their storage, to their final dispatch.

15. The consistency and uniformity in the statements of multiple staff members who were working under the applicant indicates a prima facie case of conscious and deliberate misappropriation by a person who was placed in a position of trust. These facts, viewed together with the admitted position of the applicant being the sole proprietor of "Jayesh Storage", go on to reinforce that the entrustment of goods was directly to the applicant, and the alleged criminal breach of trust is directly attributable to his individual acts and decisions.

16. Therefore, at this prima facie stage, the materials placed on record indicate that the applicant was the sole person exercising full dominion over the goods of the complainants and had misused such dominion, thereby attracting the provisions of Section 409 of the Indian Penal Code, which deals with criminal breach of trust by a person acting as an agent or in a fiduciary capacity. The seriousness of such offence and the breach of commercial trust involved, therefore, weigh heavily against the grant of bail at this stage.

17. The explanation offered by the applicant in his complaint to the police authorities, that customers had forcibly removed the goods without his consent, appears to be an afterthought and is not supported by any independent material. On the contrary, the witnesses who were working with the applicant, and had no reason to falsely implicate him, have uniformly stated that the applicant was responsible for issuing directions for dispatch and removal of goods. Thus, there is sufficient prima facie material indicating that the applicant misappropriated the entrusted property for his own use or permitted its removal in a manner not authorised by the complainants.

18. The offence alleged under Section 409 of the IPC is of a grave and serious nature. It pertains to criminal breach of trust by a person acting in the capacity of an agent. The explanation to Section 409 IPC includes within its fold any person to whom property is entrusted in the capacity of an agent or manager. In the present case, given that complainants stored goods worth crores of rupees in the applicant's warehouse, the applicant was in a fiduciary position akin to an agent. The punishment for the said offence may extend to imprisonment for life, and hence the nature and seriousness of the accusation is a relevant consideration while deciding the bail application.

19. Further, the total value of goods alleged to have been misappropriated across multiple FIRs exceeds ₹10 Crores, involving several complainants, different warehouses, and systemic manipulation. The gravity of the offence is therefore amplified by the economic magnitude of the loss suffered by the complainants.

20. The submission that the applicant's father/co-accused has been granted bail does not in itself entitle the applicant to claim parity. The role of the applicant, as emerges from the statements of witnesses and the investigation papers, appears to be more direct, deliberate, and central to the entire transaction. The doctrine of parity cannot be mechanically applied, especially where the role attributed to the applicant is qualitatively different.

21. While it is true that the charge-sheet has been filed and that the applicant has been in custody since February 2024, this Court is also required to weigh the possibility of tampering with evidence or influencing witnesses. In the present case, the material witnesses are employees or persons who were under the administrative control of the applicant and who may be vulnerable to pressure or inducement. The possibility of the applicant influencing such witnesses, directly or indirectly, cannot be ruled out at this stage.

22. The offence in question is not a mere civil breach of contract or commercial default. It involves betrayal of trust by the applicant who was entrusted with valuable goods of traders, and who is now alleged to have committed systematic misappropriation of the same. Economic offences of this nature are to be viewed seriously, as they have a direct impact on commercial trust and societal confidence in trade and business.

23. In view of the above discussion, and having regard to the nature of allegations, the gravity of the offence, the conduct of the applicant, and the possibility of interference with the course of justice, this Court is not inclined to exercise discretion in favour of the applicant at this stage.

24. Hence, the bail applications being devoid of merit, stand rejected.

25. In view of rejection of the bail applications, all pending interim applications stand disposed of as infructuous.

(AMIT BORKAR, J.)