

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3553 OF 2024

Pamesh Surendra Khimavat

.. Applicant

Versus

State of Maharashtra

.. Respondent

-
- Mr. Kishore L. Siram a/w. Mr. Shrikrishan A. Suryawanshi, Advocates for Applicant.
 - Mr. Dinesh J. Haldankar, APP for Respondent - State of Maharashtra.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 07, 2025

P.C.:

- 1.** Heard Mr. Siram, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent - State of Maharashtra.
- 2.** This is an Application seeking Anticipatory Bail in respect of First Information Report No.667 of 2024 dated 09.10.2024 registered with Tilak Nagar (Dombivali) Police Station under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023.
- 3.** The Applicant is arraigned as Accused for supplying fake gold coins worth Rs.2,81,10,00/- to the First Informant – Complainant namely Hitesh Gandhi who is a jeweller. Applicant is also a jeweller. Admittedly, supply of gold coins by Applicant to the Complainant was through a middleman called Shri Ramesh Jain who himself is also a jeweller. It is seen that said Ramesh Jain is infact a relative of

Complainant – First Informant. According to Applicant, he purchased these gold coins from VPB Enterprises LLP against invoices which are appended at page Nos.71 to 75.

4. Mr. Siram would submit that the said gold coins were handed over to Ramesh Jain for delivery to Complainant – Mr. Hitesh Gandhi.

5. Mr. Siram would draw my attention to the fact that after they were infact over kept by Mr. Ramesh Jain with him for more than 20 days. Gold coins when landed with First Informant – Complainant turned out to be fake and therefore the Complainant was compelled to lodge the police complaint.

6. On perusal of the averments made in paragraph No.17 at page No.8 and invoices appended at page Nos.71 to 75 of the Application and the co-operation extended by the Applicant to the Investigating Officer until now, it is seen that the Applicant himself may also be a victim of the circumstances.

7. In that regard the Applicant has also lodged a police complaint on 18.10.2024 for the above incident. Though this compliant is lodged nine days after the lodging of complaint by Mr. Hitesh Gandhi, the Applicant has however made out a case for grant of Anticipatory Bail. In view of the above, I am inclined to accept the submissions made by Mr. Siram and allow the present Anticipatory Bail

Application in terms of prayer clause (a), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer at concerned Police Station, as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;
- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and
- (v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

8. Parties to act on a server copy of this order.

9. Anticipatory Bail Application stands allowed and disposed.