

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1802 OF 2025

Joydeep Bijay Krishna Goswami .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Saurabh Ghag a/w. Ms. Dakshata Sawant, Advocates for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P.C.:

1. Heard Mr. Ghag, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. Applicant before the Court claims to be consultant and having acted so on his advice First Informant paid substantial amount to different vendors with respect to palm oil business. Considering the fluctuation of palm oil index, the First Informant incurred losses. The First Information Report is filed on 24.09.2024 and pursuant to investigation Applicant has been arrested on 06.02.2025. Charge against Applicant levied is 318(4), 316(5), 316(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. *Prima facie*, Mr. Ghag would submit that Applicant received his consultation charges to tune of Rs.38,84,206/- for advising the First Informant to make investment and he is not responsible for his losses

incurred since neither he was a witness to the transactions relating to payment of amount to various vendors as also neither he was an executor to any of the agreements relating to such investments made by First Informant.

4. He would submit that since First Informant has incurred substantial losses alleged to the tune of Rs.11 Crores which figures once again varies with the figure stated in the First Information Report at different places to be Rs.6 Crores. However, he would submit that Applicant cannot be held responsible for the same.

5. He would submit that out of the consultation fee of Rs.38,84,206/- and amount of Rs.13,00,000/- has been returned back by him to First Informant but retention of Rs.24,00,000/- pertains to professional charges of Applicant.

6. He would therefore persuade the Court to consider release of Applicant on bail since none of the ingredients attributable to invocation of provisions of Sections 318(4), 316(5), 316(2) and 3(5) of BNS are attracted against the Applicant in the aforesaid facts.

7. Copy has been served on the prosecution. Learned APP is directed to ascertain the veracity of submissions made by Mr. Ghag and accordingly apprise the Court about precise role of Applicant to enable Court to consider Bail Application of Applicant.

8. Considering the paucity of time Application cannot be listed next week as requested by Mr. Ghag.
9. Hence liberty is granted to Applicant to move Vacation Court.
10. List the Application on regular board on 10th July, 2025.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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