

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4426 OF 2025**

Dilip Sampatraj @ Sampatraj Jain ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Bharat Manghani *a/w Drushti Gala i/b Gautam Jain, for the Applicant.*

Ms. Manisha Tidke, *APP for the State-Respondent.*

PSI – Shelake, *L. T. Marg Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 28th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 811 of 2025 dated 5th August 2025 registered with the L. T. Marg Police Station for the offences punishable under Sections 316(4) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

2. The facts of the case, in brief, are that the Applicant was working with the First Informant namely Nikesh Kishor Shah since 2018. Said Nikesh Kishor Shah deals in gold and had

employed the present Applicant for the purpose of selling gold jewellery to customers in Andhra Pradesh and Telangana. For the said purpose, the Applicant would take the jewelry to Telangana/Andhra Pradesh, to show the same to the customers in the said State and, in case there was any sale, would carry the sale proceeds and the unsold balance ornaments back to Maharashtra, to be given back to his employer namely Nikesh Shah. It is the case of the prosecution that, during the year 2024-25, there was a deficit in the gold which was returned by the Applicant. Mr. Shah alleged that the said gold was siphoned off by the Applicant. It is further alleged that the Applicant's brother purchased a flat from this amount. Hence, Nilesch Shah filed a complaint against the Applicant and his brother. Consequently, the FIR came to be registered against the Applicant. His brother was also implicated in the offence at a later stage.

3. Mr. Bharat Manghani, learned counsel for the Applicant, submits that the Applicant was working with the First

Informant since 2018 and till date, there was no allegation pertaining to the compromised integrity of the Applicant. He has regularly and meticulously kept accounts and submitted the same to the First Informant. In his defense, he admitted that the jewelry was lost in transit and fearing for his job, he failed to reveal this fact to the complainant. Thus, he submits that the Applicant has not committed any offence as alleged by the First Informant.

4. *Per contra*, Ms. Manisha Tidke, learned APP, has tendered a video recording comprising of conversation between the Applicant and the First Informant, wherein it is seen that the Applicant is heard to be telling the First Informant that he lost the said gold, and fearing for his job, he did not inform the said fact to the First Informant. At this point, Mr. Manghani interjects and contests that it was for this reason that the Applicant at the first opportunity failed to disclose the fact of lost jewelry to the First Informant. Ms. Tidke resists the Bail Application on the said grounds.

5. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

6. A plain reading of the FIR indicates that the Applicant had been working with the First Informant from 2018 and there is no allegation of any cheating or breach of trust against the Applicant till date. It was only when there was some deficit in gold which was realized by the First Informant that the First Informant filed a complaint against the Applicant. In fact, it is seen that even his brother was implicated in the said offence on the ground that he purchased a new flat. His brother however, is enlarged on bail by the learned Magistrate as the brother was able to demonstrate his innocence by placing on record details of a loan taken by him to purchase the flat.

7. At this stage, it cannot be said that the Applicant is guilty of the offences as alleged. Undoubtedly, the offence is serious and there is a loss of almost 3 kgs of gold. However,

the story of the Applicant, *prima facie*, is believable that he did not disclose the loss of the bag containing gold to his employer, fearing that he would be fired from his job. The Applicant has suffered incarceration for about 5 months, as the Investigating Officers attempted to recover the said gold from his custody. No purpose will be served by the continued incarceration of the Applicant.

8. In view of the aforesaid, I am inclined to enlarge the Applicant on bail, and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed,

till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall not leave the jurisdiction of Maharashtra, till the conclusion of the trial;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)