



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

ANTICIPATORY BAIL APPLICATION NO. 327/2025

MAULIK KISHORBHAI ABHANGI ..APPLICANT
VS
STATE OF MAHARASHTRA & ANR ..RESPONDENTS

Senior Advocate Neeta Karnik i/b. Adv. Sangharsh V. Waghmare for
the applicant.

Ms. Supriya Kak, APP for the State.

None for respondent no.2.

WPSI Sujata Yadav, BKC Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 12, 2025.

P.C. :

1. This application is filed for seeking pre-arrest in connection with the First Information Report (FIR) No. 748 of 2024 registered at Bandra Kurla Complex Police Station, Mumbai, under Sections 318(4), 316(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The applicant, along with his father, is alleged to be involved in the diamond business. In the present case, the value of the said diamonds is Rs. 1,93,63,600/-. There is another FIR, prior to the present one, lodged against the applicant, in which his father is also

named as an accused. The father of the applicant is absconding and has applied for pre-arrest bail before the Sessions Court in both FIRs, but his applications were rejected. However, the father has never applied for pre-arrest bail before this Court.

3. In the present proceedings, after the order was passed by this Court, the applicant had attended the concerned police station and the police has recorded certain statements. However, the police has stated that they need the custody of the present applicant as his father is absconding.

4. It is the case of the informant in the present FIR that he had entrusted diamonds under a receipt, which is known in the diamond market as a 'Jangad Pawati'. The applicant and his father failed to return the diamonds or remit the proceeds of the sale to the informant, and hence, an FIR has been lodged.

5. The police have already recorded the statements of the informant and his employees, which are in line with the complaint lodged with the police and are part of the FIR.

6. It is submitted on behalf of the applicant that the applicant is a son of the main accused who is absconding. All dealings have been done by the father, all documents of the father are in the name of the

proprietary firm and the father is proprietor. The tax invoice has been signed by the father. The son had only accompanied with the father in the initial meeting. Apart from this, no role has been attributed to the son.

7. The learned APP appearing for the State submits that this is not the first time the FIR has been lodged against the father and the son. Both of them are involved in the diamond market, and on a previous occasion, these are allegations that they committed fraud on another person by promising to sell the diamonds but failing to return the diamonds or remit the proceeds from the sale. In the present proceedings also same tactics have been used against the merchant and by taking over his diamonds valued Rs.1,93,63,600/- under the assurance of selling them on a commission basis, the father and son deceived the informant and took away the diamonds. The father is absconding and not traceable. Therefore, the custody of the present applicant is necessary for interrogation.

8. I have gone through the contents of the FIR. The FIR records that the father and the son (present applicant), on 18/9/2024, at 14:30 hours, along with the broker Kishor Limbasia visited the office of the informant. Thereafter, it has been stated that as regards the

transaction, the father and the son (the present applicant) will inform the complainant within 2 to 3 days. Further, again it has been stated that the father as well as the son gave confidence to the informant that they will complete the transaction in a short time. It has been further stated that since long time had passed and the father and the son (the present applicant) were not responding, the informant along with the broker Kishor Limbasia visited the office of the accused for making enquiry and found that the said office was closed.

9. Since there are specific allegations against the present applicant in the FIR, and there are antecedents reported against the applicant, I find no merit in the present application and taking into consideration the fact that the father of the applicant is absconding, **the present anticipatory bail application is rejected.**

(RAJESH S. PATIL, J.)