



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

ANTICIPATORY BAIL APPLICATION NO. 795/2025

DURGESH RAMCHANDRA PANCHAL ..APPLICANT
VS
STATE OF MAHARASHTRA ..RESPONDENT

Adv. Nishant Gupta for applicant.
Ms. Rutuja A. Ambekar, APP for State.
PSI A. A. Kolhe, Waliv Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 1, 2025.

P.C. :

1. This application is filed under Section 438 of the Code of Criminal Procedure, 1973, for seeking pre-arrest bail in connection with the First Information Report (FIR) No.392/2024 registered with the Waliv Police Station, Mira-Bhayandar, Thane, for the offence punishable under Section 406 of the Indian Penal Code.

2. As per the complaint filed, an FIR was lodged. The name of the present applicant has come up only after the notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita was issued by the concerned police station. After visiting the concerned police station,

the present applicant informed the IO that he had paid money to the said Sachin Pisaikar, who, in turn, used all the gold belonging to the complainant. That money should be returned so that he can return the gold. At that time, the applicant realized that the police wants to arrest him, therefore, he filed pre-arrest bail application before the Sessions Court. The Sessions Court rejected the said application. Hence, the present pre-arrest bail application is filed.

3. The learned counsel for the applicant submits that the entire gold as claimed by the complainant has been returned by the present applicant to the IO. The monies which were given as loan to accused Sachin Pisaikar which was in turn used by him to pay the monies to IIFL for the loan obtained by the complainant, has not been repaid to him. He would be taking necessary legal action against the complainant and also accused Sachin Pisaikar. He submits that the custody of the present applicant is not necessary and the applicant is ready to cooperate with the police.

4. The learned APP submits that as per the instructions given by the IO, the entire gold has been returned by the applicant to the IO. Therefore, as of now, the custody of the present applicant will not be necessary.

5. I have heard the learned counsel for the applicant and the learned APP for the State.

6. As per the case of the applicant, the complainant had mortgaged the gold with the financial institution called as IIFL. Since, he was not able to pay the loan amount, IIFL has taken legal recourse against her. The complainant, therefore, requested her friend Sachin Pisaikar to help her. Sachin Pisaikar in turn contacted the present applicant and requested him for a friendly loan. The applicant was known to the said Sachin Pisaikar, therefore, in good faith a sum of Rs.3,85,400/- was paid by the present applicant to Sachin Pisaikar. A promissory note to that effect dated 19/3/2024 was executed by Sachin Pisaikar. Thereafter, as per the knowledge of the applicant, said Sachin Pisaikar contacted the IIFL along with the complainant and paid the entire amount to IIFL. Hence, IIFL stopped the recovery proceeded against the complainant.

7. The name of the present applicant is not found in the FIR. However, since the concerned police station issued a notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, the present applicant attended the office of the IO. Since he had threat that he being arrested, he filed the anticipatory bail application. As the

applicant to show his bonafide without admitting the guilt has deposited the entire gold with the IO, according to me, as of today, the custody of the present applicant is not necessary. Hence, the following order.

ORDER

- (a) **The anticipatory bail application is allowed.**
 - (b) In the event of arrest in connection with FIR No.392/2024 registered with the Waliv Police Station, Mira-Bhayandar, Thane, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
 - (d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.
- 8.** It is made clear that if the present applicant wants to take steps against Sachin Pisaikar and against the present complainant, he is at liberty to do so by following due process of law.

9. Needless to say that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)