

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4513 OF 2025

Birju Kishore Kumar Salla ...Applicant

Versus

State Of Maharashtra And Anr. ...Respondents

Mr. Shirish Gupte, Senior Advocate, Karan Mehta, Ashwin Pande, Asha Mehta, Manorama Mohanty, S. K. Srivastav, Mallikargan and Kapil Jain i/b S. K. Srivastav & Co. for the Applicant.

Ms. Poonam P. Bhosale, APP for the State-Respondent No.1.

Mr. Bhavesh Parmar, Rahul Gaikwad and Komal Singh, for Respondent No.2.

CORAM DR. NEELA GOKHALE, J.
DATED: 4th FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 516 of 2025 dated 10th June 2025 registered with the L. T. Marg Police Station, Brihanmumbai City for the offences punishable under Sections 318 and 316 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS").

2. The brief facts of the prosecution case are that both the First Informant and the Applicant were dealing in the jewellery business and have their respective shops in a

building owned by the Applicant's father. On 18th November 2024, the Applicant approached the First Informant and requested antique gold ornaments, silver utensils and gems for sale. The First Informant gave the said valuable articles worth Rs.14 Crores to the Applicant in lieu of approval vouchers on 21st November 2024. The Applicant signed and affixed the stamp of his firm on the approval vouchers. Thereafter, the Applicant returned the valuable articles to the tune of Rs.1,47,90,584/- to the First Informant from time to time. However, the Applicant failed to return the remaining valuable articles worth Rs.12,76,79,471/-, nor paid the price of the same. Despite repeated messages and requests made by the First Informant by various means of communication, the Applicant gave various assurances but failed to pay the money. Hence, the First Informant made a complaint to the police, pursuant to which the FIR was registered.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil and Sessions Court,

Greater Bombay. However, by order dated 19th November 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. During the pendency of the present Bail Application, it transpired that there is a settlement between the Applicant and the First Informant. The First Informant, represented by Mr. Bhavesh Parmar, learned Advocate, has tendered on record an affidavit affirmed by the First Informant, namely Mr. Shailesh Jain. The said affidavit is affirmed on 8th January 2026 before a Notary Public. The Applicant, represented by Mr. Shirish Gupte, learned senior counsel, has also tendered on record his affidavit, which is supported by a Memorandum of Understanding executed between the First Informant and the Applicant.

5. It appears that the parties have settled the matter and the Applicant has agreed to pay the necessary amount to the First Informant in installments. The consent terms are contained in the Memorandum of Understanding executed by

the parties on 7th January 2026 in the presence of two witnesses. The affidavit of the Applicant, supported by the Memorandum of Understanding, is taken on record.

6. Ms. Poonam Bhosale, learned APP, on instructions from the Investigating Officer, has verified the signatures and the consent given by the First Informant. She further submits that the charges are not framed as on date.

7. Considering the aforesaid and the fact that the Applicant is in custody since 2nd July 2025, his continued incarceration is neither required nor desirable.

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.50,000/ 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 leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- 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)