

MHTH060023172026



ORDER BELOW EXH.1 IN ANTICIPATORY BAIL APPLICATION

No.1167/2026

(Hareshlal Valecha Vs. State of Maharashtra)

1. This is an application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of anticipatory bail to the applicant. The applicant is apprehending his arrest in Cr.No.I-900/2025 registered with Ulhasnagar Police Station under Sections 318(4), 316(5), 351, 317(5), 3(5) of BNS.

2. I have heard Ld. Counsel for the applicant, Ld. APP and the Investigating Officer.

3. **Case of the prosecution in short is such that :**

From the month of November 2022 to 02.03.2025, the complainant's relatives and goldsmith i.e. present applicant, co-accused Hemant Valecha and Pradeep Valecha came to the shop of complainant and also through whatsapp and complainant fulfilled the order as per his demand using the gold in his shop and his house. Also, in exchange for the wages of the gold order makers, applicant, co-accused Hemant Valecha and Pradeep Valecha used to give 24 carat gold to complainant. The complainant had given them a total of 1358.69 grams of 22 carat gold ornaments in trust, but they did not return them to the complainant and cheated and threatened complainant to commit suicide and to file a false case against the complainant. Hence, FIR came to the

lodged against the applicant and co-accused. Apprehending arrest, present application is filed.

4. Through this application, it is the submission of applicant that he is innocent and has not committed any offence. It is further submitted by the applicant that the entire case of the prosecution is based on whatsapp chat, documentary evidence and electronic evidence and same are already lying in the custody of police. It is further submitted by the applicant that the allegations regarding receiving of bangles and delivering the same or selling the same to other persons is not alleged against the applicant. There is huge delay in preferring the first written complaint and thereafter in lodging FIR, which is admittedly not explained. It is further submitted by the applicant that he is an old age person suffering from ailments and is the only earning member of his family. On various other grounds applicant prayed to release him on anticipatory bail. He is ready to abide each and every conditions imposed upon him while releasing him on anticipatory bail.

5. Prosecution has filed say at Exh.4 and raised objection on the ground that co-accused Hemant Valecha, applicant and the wanted accused had gone to the shop of complainant and had given the order through whatsapp. Complainant has used gold from his house and has completed the work order. Applicant and the co-accused have not given the gold as agreed to the complainant and they cheated him and threatened the complainant to commit suicide and also for filing false complaint against him. Applicant and co-accused are the near relatives. They

have cheated their relatives and others also. Wanted accused is still absconding. Therefore, if the application is allowed, there is possibility of absconding of the accused. Investigation about the gold involved in this crime is to be conducted. There are three more crimes of same nature are pending against the present applicant. Therefore, if the application is allowed, there is possibility of tampering with the evidence and repetition of the crime.

6. The original complainant has appeared through Ld. Advocate Shri. R. J.Deshmukh and has filed a reply at Exh.8 and have raised strong objection. Ld. Advocate for the intervenor/complainant has filed written notes of argument at Exh.9 in addition to oral argument.

7. It is argued by the Ld. Advocate for applicant that the applicant is not at all involved in the alleged crime. The applicant is not the member of whatsapp group mentioned in the FIR.

8. It is further argued by Ld. Advocate for applicant that applicant has not played alleged role in the present crime. Entire allegations are made against co-accused Hemant Kumar.

9. Ld. Advocate for the applicant has relied upon the receipts issued by Mahesh Golden Art in respect of gold ornament bearing signature of the co-accused Hemant Kumar. Ld. Advocate for the applicant has relied upon the whatsapp chat of Hemant Valecha Laxmi Gold Group and argued that the applicant is not the member of said group. According to applicant, all the whatsapp chats are in respect of the receipts in respect of co-accused Hemant Kumar.

10. Ld. Advocate for the applicant has further relied upon the Account Opening Form in the name of Shree Laxmi Balaji Infotech and argued that the applicant is not at all concerned with the said account. According to the applicant, he is not even the signatory or introducer of the said account which was standing in the name of co-accused Hemant Kumar. Ld. Advocate for the applicant has relied upon the bank statement in the name of Shree Laxmi Balaji Infotech which is standing in the name of co-accused Hemant Kumar. Ld. Advocate for the applicant has further relied upon the Bank Opening Account of The Navjeevan Co-operative Bank. Said account is standing in the name of the applicant and Priya Hemant Kumar. As such, according to the applicant he is not at all concerned with the transactions carried out by Hemant Kumar.

11. Ld. Advocate for the applicant has further relied upon the complaint give by the complainant Mahesh Pahuja dated 02.09.2025 to the Upper Chief Commissioner and Others. According to the Ld. Advocate for the applicant, in his complaint it is contended that the co-accused Hemant had prepared the whatsapp by name LG/S Group on 20.12.2023. There is contention about the work given to co-accused Hemant Kumar. According to the applicant, entire allegations made in the said complaint and even in the said complaint are against the co-accused Hemant Kumar.

12. As per the allegation made in the FIR, on 07.03.2024 the co-accused Hemant Valecha has made the visiting card of their shop Laxmi Gold and the said visiting card was shared in the

whatsapp group. On 24.01.2025, co-accused Hemant Valecha had come to their shop and taken away the golden ornaments prepared by them for showing it to the customers, but co-accused Hemant Valecha had sold out the said golden bangles without his consent. When they asked about the said golden bangles. Co-accused Hemant Valecha told that he would give pure gold, but he has not return him his gold. Thereafter on 10.02.2025, complainant made phone call to co-accused Hemant Valecha, but he did not pick the phone, therefore, he made a whatsapp. Co-accused Hemant Valecha had threatened him that he is committing suicide. On 28.02.2025, Co-accused Hemant Valecha made the calculation and issued a gold receipt of 1358.69 grams 22 carrot gold with his own signature. Thereafter on 02.03.2025, when the complainant and his son went to the shop for taking the gold, they found the applicant and co-accused Pradeep Valecha were present. They went away from the shop. Thereafter, they had send the wife of co-accused Pradeep. Then the complainant and his son waited in the shop, but they did not come. Thereafter on 02.03.2025, the co-accused Hemant Valecha threatened the complainant that he would share the photograph and CCTV footage of their visiting his shop and file false complaint against them.

13. As such, according to the applicant, entire allegations are against the co-accused Hemant Kumar and the applicant is not at all concerned with those allegations.

14. On the other hand, it is argued by Ld.APP and the Investigating Officer that the applicant has played specific role in

the alleged crime. According to the Investigating Officer, applicant has committed the serious crime.

15. It is argued by Ld. Advocate for the applicant that co-accused Hemant Valecha is son of the present applicant and they have parted their ways by executing the family settlement. Ld. Advocate for the applicant has relied upon the family settlement dated 25.01.2024.

16. It is argued by Ld. Advocate for the complainant that the applicant was present in the meetings held between the complainant and the co-accused. To support his contention the complainant has produced the photographs of the said meetings. According to the Ld. Advocate for the complainant the offence was started in the year 2023 and false family settlement has been prepared with the malafide intention and criminal conspiracy.

17. To reply this argument it is argued by Ld. Advocate for applicant that the said photographs are not admissible at this stage. According to the applicant, he has not taken any order for golden ornaments nor had given assurances in the meetings.

18. Considering the facts and circumstances of the case, I find that the Investigating Officer has not shown his sufficient ground for want of physical custody of the applicant. Considering the allegations made in the complaint, I find that if the stringent conditions are imposed on the applicant, it will take care of the proposed instigation and apprehension shown by the prosecution. Hence, I proceed to pass following order:-

ORDER

1. The application is allowed.
2. In the event of arrest of applicant **Hareshlal Tekchand Valecha** in Crime No.I-900/2025 of Ulhasnagar Police Station for the offence punishable under Sections 318(4), 316(5), 351, 317(5), 3(5) of BNS, he be released on anticipatory bail on his execution of P.B. and S.B. of Rs. 50,000/- along with one local surety in the like amount by him, on the following terms and conditions;
 - (i) The applicant shall attend concerned Police Station on every Thursday in between 10.00 a.m. to 1.00 p.m. till filing of the chargesheet and shall co-operate the investigating officer in the ongoing investigation.
 - (ii) The applicant-accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
 - (iii) The applicant-accused shall not tamper the prosecution evidence, witnesses in any manner.
3. Breach of any of the above said condition shall result in cancellation of bail.

Date :- 23.07.2026
Kalyan

(P. F. Sayyad)
Additional Sessions Judge,
Kalyan