

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.238 OF 2021

(Dilip Pundlik Nagrale Vs. State of Maharashtra thr. PSO PS Ghatanji, Tq. Ghatanji,
Dist. Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Anil Mardikar, Senior Advocate with Mr. Rishabh Khemuka, Advocate for
Applicant.

Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 1st SEPTEMBER, 2021.

Heard.

2. The applicant is seeking bail in connection with Crime 92/2021 registered with Police Station Ghatanji, Tq. Ghatanji, Dist. Yavatmal, for offences punishable under sections 395, 353, 143, 147, 149, 188, 269 and 270 of the Indian Penal Code and section 135 of the Bombay Police Act read with section 7 of the Criminal Law Amendment Act, 1932.

3. This Court (Coram: Shri Vinay Joshi, J) vide order dated 19.03.2021 granted interim bail observing thus:

*2. By this application, the learned Counsel
for the applicant is praying for grant of
interim bail. Primely it is pointed out that a
Crime was registered against in all 24*

persons. Out of these 24 persons, this Court has granted interim pre-arrest protection to 23 accused vide order dated 17.03.2021.

3. According to the learned Counsel for the applicant, the allegedly stolen mobile and register were already recovered. Perusal of the interim order of this Court dated 17.03.2021 indicates about such a statement, as well as consequence of making false statement. Perusal of the first information report discloses that there are general allegations against all 24 persons. The applicant is already arrested on 22.02.2021 and had faced custodial interrogation.

4. It does not appear that there is any significant difference in the role attributed to, or allegations faced by, the accused who are granted pre-arrest bail by this court. In brief, the allegation is that the accused allegedly stole the Gram Panchayat record and the mobile phone of the complainant. It was fairly conceded, during the course of hearing of the pre-arrest bail application, that the mobile phone and the record were seized from the office of the Gram Panchayat the day next to lodging of the report.

5. In so far as offence punishable under section 395 of the Indian Penal Code, there does not appear to be any material as such which would bring into play the said provision. The other allegations are obstructing the public servant etc. and the applicant is charged, *inter alia* under sections 353, 143, 147, 149, 188, 269 and 270 of IPC.

Considering the nature of the accusations and particularly the fact that the most serious allegations levelled, which is that of theft is *prima facie* contentious, the interim bail granted vide order dated 19.03.2021 is confirmed.

JUDGE

NSN