

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 465 of 2022

Chandrasing S/o Narsing Khurde

Versus

State of Maharashtra, through Police Station Officer, Sakharkhederda,
Tah. Sindkhed Raja, Dist. Buldana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.J.Thakkar, Advocate for the applicant.

Shri A.M. Deshpande, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 15th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 127 of 2021 dated 24th December, 2021 registered with Police Station Sakherkerda Dist. Nagpur for the offence punishable under Section 379 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that on completion of investigation the chargesheet has been filed and as such the custody of the applicant is not required. It is submitted that the applicant is falsely implicated in the alleged offence. Lastly, he submits

that applicant is in jail for about eight months. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor has opposed the present application and submits that stolen oxygen cylinder was used by the applicant to commit the theft in the State Bank of India, Kelvad and therefore, there is every possibility if the applicant is released on bail, he will repeat the offence and accordingly, he prays for rejection of the application.

4. I have perused the chargesheet, First Information Report and the reply filed by the prosecution.

5. It has come in the reply of the State that stolen oxygen cylinder in the present crime was used by the applicant in subsequent crime to break open the strong room of the State Bank of India of Kelwad.

6. This fact is sufficiently shows that there is a possibility that the applicant may repeat the offence. In that view of the matter looking to the seriousness of the present offence and in the light of the subsequent offence committed by the applicant, I am not inclined to grant bail to the applicant. Accordingly, application is rejected.

7. At this stage, learned counsel for the applicant prays for grant of liberty to move a fresh application, in case there will be no progress in the trial in next nine months.

8. Considering the fact that the applicant is in jail for about eight months, the liberty is granted as sought for.

[ANIL S. KILOR, J.]

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