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

CRIMINAL APPLICATION (ABA) NO.319 OF 2022

(Shubham s/o Pralhad Shende Vs. State of Mah.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri G.N. Khanzode, Advocate for the applicant.
Ms. Shamshi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 06, 2022.

The applicant is seeking pre-arrest bail in Crime No.25/2022 registered on 06/02/2022 with Sindewahi Police Station, District Chandrapur for the offence punishable under Section 380 of the Indian Penal Code.

2. It is submitted that in the First Information Report it is mentioned that the door was opened. This is sufficient to say that the complainant is having suspicion about involvement of the applicant in the alleged offence and on the basis of suspicion the applicant has been arraigned as accused.

3. The learned counsel for the applicant submits that,

a) The applicant has been falsely implicated in the alleged offence.

b) The custody of the applicant is not necessary.

4. On the other hand, the learned Additional Public Prosecutor strongly opposes the application and submits that,

a) The Investigating Officer has collected sufficient material to *prima facie* show the involvement of the applicant in the alleged offence.

b) The custody of the applicant is necessary to recover the stolen articles.

c) There are criminal antecedents against the applicant.

By arguing so, she prays for rejection of the present application.

5. I have perused and considered the allegations in the First Information Report and the statements of the witnesses from the case diary. It can be seen from the case diary that in the earlier point of time the applicant has committed similar offence namely Crime No.90/2019 registered with Gadchiroli Police Station for the offence punishable under Section 454 and 380 of the Indian Penal Code and Crime No.620/2019 registered with Gadchiroli Police Station for the offence punishable under Sections 457, 380 and 511 of the Indian Penal Code.

6. In the above referred backdrop and as the custodial interrogation of the applicant is necessary to recover the stolen articles, I am not inclined to grant anticipatory bail in this case. Accordingly the application is rejected.

(ANIL S. KILOR, J.)

*Divya

Signed By:DIVYA SONU BALDWA

Signing Date:06.06.2022 16:20