

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

Criminal Application (BA) No. 605 of 2022

Devnath S/o Prakash Wadibhasme

Versus

State of Maharashtra, through Police Station Officer, Police Station
Kalamna, Nagpur Tah. And Dist. Nagpur

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

Court's or Judge's Order

Mrs. Meena Hiwase, Advocate for the applicant.
Ms Shamshi Haider, APP for the State / Non-applicant.

CORAM : ANIL S. KILOR, J.
DATED : 12th JULY, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 95 of 2022 dated 15th February, 2022 registered with Police Station Kalamna, Dist. Nagpur for the offences punishable under Sections 454, 457, 380 and 461 of the Indian Penal Code.

2. The learned counsel for the applicant submits that considering the role attributed to the applicant and the fact that stolen property has been seized from the accused person and nothing remains to be recovered from accused persons, as such the custody

of the applicant is not necessary. She further submits that the investigation is over and the chargesheet has been filed in this case. Accordingly, she prays for grant for bail.

3. On the other hand, learned Additional Public Prosecutor opposed the present application and points out that there are criminal antecedents of similar offences nature against the applicant. It is submitted that there is every possibility that if the applicant is released on bail, he may repeat the offence.

4. Learned Additional Public Prosecutor further submits that there is sufficient incriminating material available against the applicant. Hence, she prays for rejection of the present application.

5. I have perused the application, chargesheet and the reply filed by the State.

6. In this case, the recovery has been made at the instance of the applicant, relating to alleged theft.

7. The present applicant was arrested on 15th February, 2022 and during the course of investigation the recovery of 12 gunni bags of betel nuts, DVR of CCTV Camera and Omni car, which were used in the commission of crime, recovered when the disclosure statement made by the applicant. It was also found during the investigation that the applicant is a habitual

offender and he has committed a similar offence in past also.

8. In the circumstances, I found substance the apprehension expressed by the learned Additional Public Prosecutor that if the applicant is released on bail, there is every possibility that he may repeat the similar offence.

9. Thus, considering the criminal antecedents of the applicant of similar nature, I am not inclined to grant bail. Accordingly, the application is rejected.

[ANIL S. KILOR, J.]

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