

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

CRIMINAL APPLICATION (ABA) NO. 407 OF 2022

Adharsingh Patle **Versus** State of Maharashtra, thr. PSO., P.S. Hudkeshwar, Nagpur.

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

Court's or Judge's Order

Shri A.K. Madane, Advocate for the applicant.

Ms M.A.Barbde, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 07/07/2022.

1. The applicant is seeking pre-arrest bail in Crime No.919 of 2021, registered with Police Station, Hudkeshwar, District Nagpur, for the offences punishable under Sections 380, 454 and 457 of the Indian Penal Code.

2. Shri A.K. Madane, learned counsel for the applicant submits that the name of the applicant does not feature in the FIR and he is in no way connected to the alleged offence. Thus, he submits that the applicant has been falsely implicated in the alleged offence.

3. He further submits that the custody of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, learned Ms M.A. Barbde, learned APP strongly opposes the present application and submits that there are criminal antecedents of similar nature. She points out that there are eight similar cases of

theft and housebreaking were registered against the applicant.

5. It is submitted that in this case, CCTV Footage is there, and son of the applicant, who is the main accused in this case, after housebreaking, handed over the amount of Rs. 5,50,000/- to the applicant, which needs to be recovered from the applicant. She therefore, submits that the present application may be rejected.

6. I have perused the Case Diary and the FIR.

7. On perusal of the Case-Diary, it can be seen that sufficient prima-facie incriminating material is available against the applicant, which show the involvement in the alleged offence. The Police Authority wants his custody to recover Rs. 5,50,000/- from him, which was given to him by his son after housebreaking in the present matter.

8. In addition to this, there are eight similar offences, which were registered against the applicant relating to theft and housebreaking. Thus, in the above referred backdrop, it cannot be said that the custody of the applicant is not necessary in this case.

9. Moreover, considering the antecedents of the applicant, there is every likelihood that if the applicant is released on bail, he may commit the similar offence. In that view of the matter, I pass the following order:

Criminal Application is **rejected**.