

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

**CRIMINAL APPLICATION (ABA) NO.151/2023
Navshad s/o Sadatulla Qureshi**

..VS..

State of Maharashtra, thr.PSO Girad, Tahsil Samudrapur, District Wardha

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

Court's or Judge's Order

.....
Shri S.V.Kulkarni, Counsel for the Applicant.
Shri M.J.Khan, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 31/07/2023

1. This application, under Section 438 of the Code of Criminal Procedure, is filed for grant of anticipatory bail since the applicant apprehends his arrest in connection with Crime No.218/2022 registered with the non-applicant/police station for offences punishable under Sections 120(b), 379, 427, and 430 read with Section 34 of the Indian Penal Code.

2. Ashok Deorao Ghumade, has lodged report with the non-applicant/police station against unknown persons. The complainant is working as Sub Divisional Engineer, Irrigation Project at Ajansara, Hinganghat, District Wardha. On the basis of the said report, the police of the police station have registered the crime. As per the said report, some unknown persons by breaking transformer committed theft of copper coils. Not only the copper coils were stolen but also fencing

conductors were broken and thereby caused loss of Rs.2,50,000/-. Regarding the copper winding theft is concerned, the same was weighing 150 kilograms. Thus, total loss of Rs.12,50,000/- was caused.

3. The police investigated the crime. During the course of investigation, one co-accused Kamlesh Yadav was arrested. On being interrogated by the police, he made confessional statement before the police and, therefore, the applicant apprehends his arrest.

4. Heard learned counsel Shri S.V.Kulkarni for the applicant and learned Additional Public Prosecutor Shri M.J.Khan for the State.

5. Learned counsel for the applicant submitted that due to the previous grudge, the applicant is implicated in the crime. In fact, the applicant is not involved in the alleged offence and, therefore neither the custody nor the custodial interrogation of the applicant is required. He submitted that in the event of arrest of the applicant, he be released on bail.

6. Learned Additional Public Prosecutor for the State opposing the application vehemently submitted that the applicant is habitual offender as several criminal antecedents

are against him. As such, he prays that the application be rejected.

7. Having heard both the sides and perused the investigation papers, it reveals direct involvement of the applicant in the crime. The committal of the offence is theft worth of Rs.12,50,000/-. Not only the copper winding is stolen, but also transformer was broken up by the applicant along with other co-accused. The said theft articles are to be recovered from the applicant. In addition, there are criminal antecedents against the applicants and as many as nine similar types of offences are registered against him in different police stations.

8. Since I find direct involvement in the crime and as many as nine offences are already registered with different police stations showing similar types of offences, this is not a fit case wherein discretion under Section 438 of the Code of Criminal Procedure should be exercised in favour of the applicant. As such, the criminal application needs rejection.

9. The criminal application is **rejected**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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