

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

CRIMINAL APPLICATION (BA) NO.624 OF 2023

Palash Prakash Wasnik

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station, Imamwada,
Nagpur

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

Court's or Judge's orders

Mr. Mir Rizwan Ali, Advocate for the applicant.

Mr. I. J. Damle, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/07/2023

1. The present application is filed for bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.26/2023 registered with Police Station Imamwada, Nagpur for the offences punishable under Sections 395 and 452 of the Indian Penal Code and Section 4 and 25 of Arms Act and under Section 135 of the Maharashtra Police Act. The applicant is arrested on 18.01.2023.

2. The accusation against the present applicant is on the basis of report lodged by one Rupali Mithun Hanwate on an allegation that on 17.01.2023 at about 8.00 p.m. when she was alone in the house, the present applicant along with other four accused entered in her house along with the sword holding in his hand and threatened her by showing the said sword and demanded

whatever she is having in her house. He has snatched Rs.2000/- from her. On the basis of said report, police have registered the offence against the present and other co-accused. The present applicant was accosted on the spot itself.

3. As per the contention of the present applicant that he had been to the house of the informant to meet her son. There was no such intention to commit any offence. However, dispute arose between them and therefore, the informant has called the police and police arrested him.

4. The said application is strongly opposed on the ground that there are criminal antecedents against the present applicant. The present applicant entered inside the house with deadly weapon and committed the offence by snatching Rs.2000/- from the informant. If the applicant/accused is released on bail, he will be involved in similar type of the offence and prays for rejection of the offence.

5. Having heard both the sides and on perusal of the investigation papers. It reveals that the present applicant along with the other co-accused were accosted at the spot itself. The amount of Rs.2000/- was also recovered from them at the spot itself. From the statement of the witnesses, the *prima facie* case is made

out against the present applicant showing the involvement of the present applicant in the alleged offence. As far as the criminal antecedents are concerned, in all eight offences are registered against the present applicant at Imamwada Police Station, four offences are registered at Ajni Police Station and one offence is registered at Hudkeshwar Police Station, Pratapnagar and Saoner Police Station and two offences are at Saoner Police Station. The offences registered against the present applicant are of similar nature including offences under Sections 302 and 307 of the Indian Penal Code. Thus, it is apparent that the applicant is a habitual offender. The apprehension raised by the State that if the applicant is released on bail, he would be involved in similar type of the offence cannot be ruled out. Considering the *prima facie* case against the present applicant and the criminal antecedent is against him, the application deserves to be rejected.

6. In view of that, the application is hereby rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate