



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

CRIMINAL APPLICATION (ABA) NO.445 OF 2023

(Mangesh s/o Vitthalrao Chore Vs. The State of Maharashtra thr. PSO PS Seloo, Tah.
Seloo, Dist. Wardha)

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

Court's or Judge's orders.

Mr. R. D. Dharmadhikari, Advocate for Applicant.
Mr. N. R. Rode, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 7th DECEMBER, 2023.

By this application, the applicant is seeking pre-arrest bail in the event of the arrest in respect of Crime No.379/2023 for the offences punishable under sections 381, 413 and 414 read with section 34 of the Indian Penal Code and sections 3 and 7 of Essential Commodities Act, 1955 registered with Police Station Seloo, District Wardha.

2. The accusation is against the present applicant on the basis of the report lodged by one Amol Dhomne alleging that he is dealing in the business of transportation and having ten big tankers. The said tankers are engaged in transportation of diesel of Hindustan Petro Company. On 31.05.2023 at 12:00 noon, he received phone call and it was informed to him that the driver namely Prashant Dhamane of tanker bearing No.MH-40 BL-9693 has committed the theft of diesel by removing it from the tanker and selling it. Therefore, he immediately went to Kelzar

near Adiram Dhaba and noticed that driver, cleaner and 4 to 5 persons were removing the diesel from the tanker. He immediately reported the said fact to the Police Station Seloo.

3. The learned counsel for the applicant Mr. Dharmadhikari submitted that merely because the applicant is a Press Reporter by profession and owner of a News Channel Maharashtra News-7 as well as owner of a newspaper Saptahik Bhrastacharachya Panchnama is implicated. As far as the custodial interrogation of the present applicant is concerned it is not required after the applicant was released on ad-interim protection he has co-operated in investigation and his physical custody is not required.

4. The learned APP strongly opposed the application on the ground that his custodial interrogation is required. Considering the nature of the allegation against him, application deserves to be rejected. After hearing both the sides and on perusal of the recitals of the FIR and considering the allegation against the present applicant no specific role is attributed to him. Admittedly some criminal antecedents are brought to the notice of this Court but mere fact that criminal antecedents are there is not sufficient to reject his anticipatory bail. In view of that ad-interim protection granted to him deserves to be confirmed. Accordingly, I proceed to pass following order.

[i] The application is allowed.

[ii] In the event of arrest the applicant is

released on anticipatory bail in connection with Crime No.379/2023 for the offences punishable under Sections 381, 413, 414 read with Section 34 of the Indian Penal Code and Section 3 and 7 of Essential Commodities Act, registered with Police Station Seloo, District Wardha, on execution of PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- [iii] The applicant shall attend Police Station as and when required for the investigation purpose.
- [iv] The applicant shall furnish his cell phone number and address with the address proof.
- [v] The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

5. The application is disposed of.

JUDGE