



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

CRIMINAL APPLICATION (ABA) NO.50 OF 2024

Sohel Nasir Mandal ..vs.. State of Maharashtra

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

Court's or Judge's Order

Mr. G.S. Chandok, Advocate for the applicant.
Mr. N.R. Rode, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 01, 2024.

Heard.

2. By this application, the applicant is seeking anticipatory bail in connection with Crime No.322/2023 registered with Bajaj Nagar Police Station, Nagpur City for offence punishable under Sections 457 and 380 of the Indian Penal Code, 1860.

3. As per accusation, the elder brother of the complainant who is the resident of Raigarh was out of station and on that night some unknown persons have broken the house and committed theft by stolen gold ornament from the house. The FIR lodged against the unknown persons. During the investigation, it reveals that the co-accused Ajim Kalim Beg, Shubham Bharat Netam and others have committed the theft. During investigation it further revealed that the present applicant has purchased said golden ornaments and therefore the present applicant is apprehending arrest at the hands of the Police.

4. Learned Counsel appearing for the applicant submitted that merely on suspicion he is implicated in the alleged offence. Except the bare statement of the co-accused no other material is collected during the investigation to connect him. His custodial interrogation is not required and hence, he be released on anticipatory bail in the event of his arrest.

5. Said application is strongly opposed by the learned Additional Public Prosecutor appearing for the State by submitting that during the investigation the gold ornaments were seized. As mother of the present applicant has produced the same sufficiently shows *prima facie* case against the present applicant. His custodial interrogation is required and the application deserves to be rejected.

6. I have heard both the learned Counsel appearing for the parties and perused the investigation papers. It reveals that the mother of the applicant through one Domnic Loyala has produced the golden ornaments before the Investigating Officer, thus the involvement of the present applicant is revealed from the statement of the witnesses. In view of that, *prima facie* case is made out against the present applicant. The offence is in the nature of house breaking, wherein the applicant cannot be protected by granting anticipatory bail. The application deserves to be rejected and accordingly, the same is rejected.

(URMILA JOSHI-PHALKE, J.)