



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

CRIMINAL APPLICATION (ABA) NO.66 OF 2024

Kamlesh s/o Maikulal Shahu

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Bela,
District Nagpur

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

Court's or Judge's orders

Mr. R. L. Barasagade, Advocate for applicant.

Ms. T. H. Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.22/2023 registered with Police Station, Bela, District Nagpur for the offence punishable under Section 136 of the Electricity Act and under Section 379 of the Indian Penal Code, the applicant approached this Court for grant of anticipatory bail.

2. As per the allegation of the prosecution, the present applicant is implicated on the basis of report lodged by Sharad Harichandra Ilpate, who is the Assistant Engineer, on an allegation that on 25.01.2023 at about 8.30 a.m. Praful Singade, Assistant Engineer informed him that the closed side of 33 KV Bela power line at area Tembhari, the seven spun (aluminum wire) costing near about Rs.25,000/- was stolen. As per the information given by Praful

the complainant has visited the Tembhari and verified the fact. On the basis of the said report, police have registered the crime. During the investigation, it revealed that the present applicant has purchased the said aluminum wire. Thus, the involvement of the present applicant allegedly in respect of purchasing of the said aluminum wire which is a Government property.

3. Learned Counsel for the applicant submitted that in a similar type of offence the applicant is released on anticipatory bail by the learned Sessions Court. As far as the custodial interrogation is concerned, which is not required, as nothing is to be recovered from the present applicant.

4. Learned APP strongly opposed the said application on the ground that the another crime is also registered against the present applicant alleging purchasing of the stolen property and present applicant is to be taken into custody for seizure of the said Government property, therefore, his custodial interrogation is required. She further submitted that considering the *modus operandi* of the present applicant, who has purchased the Government property, his involvement is revealed and if he is released on anticipatory bail, the entire investigation would be hampered and it would be difficult to seize the said electric wire.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the recitals of the FIR and from the investigation carried out by the Investigating Officer it reveals that the brother of the present applicant is having scrap shop. From the investigation papers, further it reveals that present applicant is involved in other offences also. The Government property is stolen by the co-accused and which is purchased by the present applicant knowingly that it belongs to the Government. Thus, custodial interrogation of the present applicant is required. In view of that, the applicant has not made out a *prima facie* case to grant him anticipatory bail, considering the same, application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)