



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

CRIMINAL APPLICATION (ABA) NO. 397 OF 2024

Himanshu @ Golu s/o Natthuram Sahu and another
V/s
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. S.S. Sohoni, counsel h/f Mr. P.S. Jaiswal, counsel for applicants.
Mr. Ganesh Umale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2024.

1. Apprehending the arrest at the hands of Police, in connection with crime No. 357/2024 registered with Police Station, MIDC, Nagpur for the offence punishable under Section 380, 381 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. As per the allegation by the informant, he runs a factory namely High Rise Transformation at MIDC Hingna. In the stock audit on 05/04/2024, two CRGO Coils priced of Rs.20,31,500/- were found missing. On inquiry with the Guard, who told that the Plant In-charge accused Swapnil came with two persons and removed those articles, on the pretext that it is to be transported to the other factories. Those articles were loaded in two four-wheelers and took at the scrap merchant. On the basis of said report, the police have registered the crime.

3. Learned counsel for the applicant submitted that as far as the present applicants are concerned, their name is not mentioned in the FIR. Nothing is to be recovered from the present applicants, as the said coil has already been recovered by the investigating agency. Thus, custodial interrogation of the present applicants is not required. In view of that, they be protected by granting ad-interim anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that on the basis of the statement of the scrap merchant, the involvement of the present applicants is revealed. He invited my attention towards the statement of the said scrap merchant, who stated that the present applicants along with the other co-accused had been there, and handed over the said coil to him.

5. Heard learned counsel for the applicants and learned APP for the State. As submitted by learned counsel for the present applicants, the presence of the present applicants were not noted at the factory. Merely on the basis of the statement of said scrap merchant, the present applicants are apprehending the arrest. Now, the incriminating article has already been seized, and therefore, custodial interrogation of the present applicants is not required. In view of that, the present application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with crime No. 357/2024 registered with Police Station, MIDC, Nagpur for the offence punishable under Section 380, 381 read with Section 34 of the Indian Penal Code, 1860, the applicants – (1) **Himanshu @ Golu s/o Natthuram Sahu** and (2) **Deepak @ Gulla s/o Mahesh Sahu**, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicants shall attend the concerned Police Station once in a week i.e. Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.
- d] The applicants shall not involved in the similar type of offences during pendency of the trial.
- e] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]