



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

CRIMINAL APPLICATION (BA) NO. 1044/2023

Ravi Mohanlal Shribhate 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. M.P. Kariya, counsel for applicant.
Mr. VA.Thakre, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/01/2024.

1. The present application is preferred by the applicant for grant of bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with Crime No. 254/2023, registered at Police Station Pandharkawda, Tq. Kelapur, District Yavatmal, for the offences punishable under Sections 380 and 457 read with Section 34 of the Indian Penal Code, 1860. The applicant is arrested on 28/06/2023.

2. As per the allegation, the co-accused Atul Kamble and the present applicant have committed the theft and stolen golden ornament of Rs. 4,31,000/- by committing lurking house trespass by night. During the investigation of Crime No. 725/2023, co-accused Atul Kamble gave a memorandum statement and admitted the fact that he along with the present applicant and another co-accused have committed the offence of house breaking,

on the basis of said report, the Police have registered the crime.

3. Mr. M.P. Kariya, learned counsel for the applicant submitted that applicant is not at all involved in the alleged offence. Nothing is recovered from him. The investigating agency has implicated the present applicant in series of offence merely on suspicion. Now, investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required and prays for releasing him on bail.

4. Per contra, learned APP strongly opposed the application and submitted that applicant is involved in series offence. The applicant, as soon as he released on bail, he commits another offence and the modus operandi of committing the offence can be ascertained from the statement of various witnesses, which shows that the applicant break the house and commit the offence of robbery or theft and by stealing the golden ornaments.

5. He further submitted that observation of the trial Court is material, wherein the trial Court has observed that within a span of six months, he has committed five to six offence which are similar in nature and prays for rejection of the application.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. From the statements of the witnesses, the involvement of the present applicant

revealed not only in committing the offence of house breaking, but also selling the said golden ornaments to the jewelers. The investigating officer has also collected the documents as far as the criminal antecedents are concerned. The observation of the trial Court is also material which can be taken into consideration, which shows that within a span of six months, the applicant has committed six offences.

7. Furthermore, it reveals that applicant is habitual offender and there is a substance in the contention of the learned APP that as soon as the applicant is released on bail, he commits similar types of offence.

8. Considering the nature and offence and the criminal antecedents, this is not a fit case to grant bail. Therefore, the application deserves to be rejected. Accordingly, I proceed to pass following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]