



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

CRIMINAL APPLICATION (BA) NO.1181 OF 2023
(Gujjar Changiram Mongiya 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.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 04/01/2022 in connection with Crime No.547/2021 registered with Police Station Beltarodi, Nagpur, District Nagpur for the offence punishable under Sections 395, 400, 412, 413 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

2. The accusation against the present applicant is on the basis of report lodged by Mangesh Deorao Wandre on an allegation that in the intervening night of 12/12/2021 and 13/12/2021 he was present in the house and 7 persons aged about 30 to 35 years entered in his house along with the weapons and committed by dacoity by stealing gold ornaments as well as cash amount. On the basis of said report, police have registered the offence

against the unknown persons. During investigation, the involvement of the present applicant is revealed, therefore, he was arrested. During investigation, the Investigating Officer has recorded the statement of the present applicant and at his instance the weapons like knife, drill (Girmit) are seized.

3. Learned Counsel for the applicant submitted that present applicant is behind bar since last 2 years against whom the provisions of MCOC Act is also applied wherein he was released on bail. As far as his participation in the above said crime is concerned, there is no direct material to connect him with the alleged offence. The stolen articles are not recovered at his instance. In view of that, he be released on bail.

4. Learned APP strongly opposed the application on the ground that there are criminal antecedent against the present applicant as similar type of offences are registered against him which are four in number. Learned Additional Public Prosecutor further invited my attention towards the order passed by this Court in Criminal Application (BA) No.306 of 2023 which is the application filed by the co-accused and this Court has expressed disinclination to grant bail. He submitted that the similar role is attributed to the present applicant. Considering the similar type of the offences are registered against the present applicant and there is recovery of the weapons at his instance, if he is released on bail there is every

possibility of committing similar type of the offence. In view of that, he prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that there is connection between the present applicant and other co-accused as well as the weapons are recovered at his instance. The criminal antecedents against the present applicant shows that similar type of the offences are registered against him which are under Section 395, 457 etc. In all five offences of similar nature are registered against the present applicant, therefore, the apprehension raised by the prosecution that if he is released on bail his involvement in the similar type of offences cannot be ruled out. In view of that, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)