



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

CRIMINAL APPLICATION (BA) NO.1151 OF 2023
(Narendra Pandurang Dahule 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. R.R. Vyas, Advocate for the applicant.
Mr. A.R. Chutke, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 18, 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 18/11/2023 in connection with Crime No.981/2023 registered with Police Station Ramnagar, Chandrapur District Chandrapur for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Sangita Suresh Thakare who alleged that on 26/08/2023 she had been to Nashik at her brother's house and she received the message by her neighbour that somebody has stolen the car which was parked outside their house. It further revealed that somebody has committed the offence of house breaking and stolen the gold and silver ornaments from her house. On the basis of said report, police have registered the crime against the unknown person. During investigation, the involvement of the present applicant who is a Police

Officer revealed. The applicant was found along the key of the car, therefore, he was arrested.

3. Learned Counsel for the applicant submitted that now the investigation is completed and charge-sheet is filed. As far as the allegations are concerned, learned Counsel for the applicant submitted that the present applicant is falsely implicated in the alleged offence being he is the Police Officer. Now, the investigation is completed and charge-sheet is filed. Further incarceration of the present applicant is not required. In view of that he be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the applicant was found along with the key of the said car. He was also witnessed by parking the car outside the police station. Thus, there is a *prima facie* material against the present applicant to connect him with the alleged offence. In view of that, the application deserves to be rejected.

5. Having heard learned Counsel for the parties. Perused the investigation papers. Admittedly, the investigation is completed and charge-sheet is filed. The material collected during the investigation shows that the key of the car was seized from the house of the present applicant. The applicant was also witnessed parking the car outside the police station. Thus, there is a *prima facie* material against the present applicant. It further reveals during the investigation that the present applicant has also

committed one more offence. Thus, there are criminal antecedent against the present applicant. However, considering that the offence alleged are not punishable with imprisonment more than 10 years and now the investigation is already completed and charge-sheet is filed. Further incarceration of the present applicant is not required and no purpose will be served by keeping him behind bar. Hence, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant - Narendra Pandurang Dahule in connection with Crime No.981/2023 registered with Police Station Ramnagar, Chandrapur District Chandrapur for the offence punishable under Sections 457 and 380 of the Indian Penal Code, be released on bail on furnishing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)