



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

CRIMINAL APPLICATION (ABA) NO.690 OF 2024
(Mallesh Odaiah Darpelli 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. M.V. Rai, Advocate for the applicant.
Mr. N. Autkar, A.PP for the State.

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

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.956/2023 registered at police station Ballarshah, District Chandrapur for the offence punishable under Sections 333, 353, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the complainant on an allegation that on 06/09/2023 the informant was on the night duty at RC office. At around 11.00 PM he had been to RC office for performing his duty as night Security Guard. At around 12.30 to 12.45 AM two persons came to him on motor bike and started asking him what he was doing. On that the complainant informed that he is performing his duty. At the relevant time, the present applicant abused him in a filthy language and assaulted him and due to the assault he sustained the fracture injuries. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned several inconsistent versions are given by the informant.

4. Even accepting the allegation as it is, the custodial interrogation of the applicant is not required as nothing is to be recovered from the present applicant. He submitted that considering the role attributed to the present applicant, admittedly as per the allegations the informant was assaulted by the fist and kick blows. In view of that also the custodial interrogation is not required.

5. Learned APP strongly opposed the application and submitted that series of offences are registered against the present applicant and similar type of the offences like his involvement is continuously reveals in assaulting the persons, dacoity as well as road robbery is also revealed. Considering the criminal antecedents, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR from which it reveals that the informant who was discharging his duty as a Security Guard in a RC office at WCL and as per the allegation, present applicant with another co-accused entered in the premises with an intention to commit the theft and on restraining him he has assaulted the Security Guard as well as abused him.

7. The reply of the State is accompanied along with the crime chart which shows that 10 to 15 offences are registered against the present applicant, out of which only 5 offences are under the Prohibition Act and other offences are under the IPC. Thus, considering this aspect, it reveals that the applicant is involved in a serious series of the crimes which are registered since 2013 to 2023. Thus, it is apparent that the applicant is a habitual offender. Admittedly, the criminal antecedents will not come in the way of the present applicant but considering his involvement in the offences which are against the person and property of the members of the society and the applicant is seeking the anticipatory bail, moreover, the allegations requires his police custody for the interrogation purpose. In view that, the application deserves to be rejected.

8. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)