



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

CRIMINAL APPLICATION (ABA) NO.697 OF 2024

(Dharmendra @ Dhamma s/o Rajesh Patel Vs. The 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

Ms K.Y. Mandpe, Advocate for the applicant.
Mrs. H.N. Prabhu, 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.162/2024 registered at police station MIDC, Butibori, District Nagpur for the offence punishable under Sections 380, 454 and 457, 411 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Amar Ratnabhim Patil on an allegation that he was working as a Supervisor with a company namely new J.B. Enterprises which comes under the Vidarbha Industry Power Limited (Reliance) Company. The Said Vidarbha Industry Power Ltd. company is closed currently and the complainant was given the responsibility of supervision over various departments of the said company. There are three stores in the said company in which various spare parts are kept. The said store and spare parts are checked every three months and during verification or the

inspection it was found that material including the spare parts kept in the said stores is missing. In view of that, the FIR is lodged. During investigation, some of the co-accused are arrested and during the interrogation with them, the name of the present applicant is revealed. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the involvement of the applicant is concerned, his name is not mentioned in the FIR. As nothing is to be recovered from him his custodial interrogation is not required. He is ready to cooperate with the investigating agency.

4. *Per contra*, learned APP strongly opposed the application and submitted that during interrogation with the co-accused and the general diary entries show the involvement of the present applicant in the alleged offence. Moreover, there is consistent communication between the co-accused and the present applicant. The co-accused is still absconding and considering the material which was stolen from the store is also of a huge magnitude. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. There is a *prima facie* material against the present

applicant to connect him with the alleged offence. The issue of recovery of the article is also involved, therefore, his custodial interrogation is required. The allegation is substantiated by the CDR reports which shows the consistent communication of the present applicant with the co-accused. Thus, considering the *prima facie* case made out against the present applicant, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*