



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

CRIMINAL APPLICATION (BA) NO.390 OF 2025

(Kuldeepsingh s/o Darshansingh Juni Vs. The State of Maharashtra thr. PSO Police
Station Warud, Dist. Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for Applicant.
Mr. C. A. Lokhande, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 22nd APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 29.11.2024 in connection with Crime No.517/2024 registered with Police Station Warud, District Amravati for the offence punishable under Section 303(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The crime is registered on the basis of the report lodged by Sachin Ratnakar Jagtap on an allegation that he is serving in a Zilla Parishad, Warud. One contractor Mahadeo Ramaji Malkhede was working at the Canal Bandhara, Belsawangi, Taluka Warud, District Amravati. At the relevant time, some unknown persons have committed the theft of the steel plates. On the basis of the said report, crime is registered against the unknown persons.

During investigation the involvement of the present applicant is revealed and therefore, is arrested.

4. The learned counsel for the applicant submitted that for the alleged offence punishment provided is upto 3 years. Only objection raised by the prosecution is that there are 44 offences registered against him and if he is released on bail he would repeat the similar type of offences. He submitted as far as the present crime is concerned nothing is recovered from the present applicant. Merely because the applicant was involved in one of the crime he was taken in different crime. Mere criminal antecedents are not sufficient to curtail the liberty of the present applicant in support of his contention he placed reliance on *Criminal Appeal No.159/2012 (Arising out of S.L.P. (Cri.) No.10244/2010)*, *Criminal Application (BA) No.1232/2021 decided on 23.12.2021* and *Criminal Application (BA) No.132/2022 decided on 08.04.2022*.

5. Per contra learned APP strongly opposed the said application on the ground in all 44 offences are registered against the present applicant if he is released on bail he would repeat similar type of the offences. In view of that, the application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers it reveals that the applicant is arrested. During the investigation as his involvement is revealed. During investigation though various statements are recorded

by the Investigating Officer and the accused is also interrogated but nothing is seized from the present applicant, in the present crime. As observed by the Hon'ble Apex Court in the *Criminal Appeal No.159/2012 (Arising out of S.L.P. (Cri.) No.10244/2010)* in the case of *Maulana Mohd. Amir Rashadi v. State of U.P. & Anr.*, that merely on the basis of the criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court.

7. In view of the observation of the Hon'ble Apex Court in the present case admittedly there is common recovery at the instance of present applicant. Mere criminal antecedent are not sufficient to reject or curtail his liberty. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

[a] The criminal application is allowed.

[b] The applicant – Kuldeepsingh s/o Darshansingh Juni, shall be released on bail in connection with Crime No.517/2024 registered with Police Station Warud, District Amravati for the

offence punishable under Section 303(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 on executing P.R. bond of Rs.25,000/- with one solvent surety of the like amount.

- [c] The applicant shall attend the concerned police station twice in a month on 1st and 15th of every month and the Investigating Officer shall record his presence.
- [d] The applicant shall not indulge in similar type of the activities. Single reported offence would lead to the cancellation of bail.
- [e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- [f] The applicant shall furnish his detail address along with the address proof along with the names of two relatives along with their address.
- [g] The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

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