



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

CRIMINAL APPLICATION (BA) NO.391 OF 2025

(Kuldeep Singh s/o Darshansingh Juni Vs. State of Maharashtra thr. PSO Police
Station Warud, District 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.
Ms. Swati V. Kolhe, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 22nd APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 17.11.2024 in connection with Crime No.646/2024 on an allegation that Ashay Sanjay Shambharkar approached to the police station and lodged the report that some unknown persons have committed the theft of steel plates which are used in the construction. Accordingly, the investigation was carried out. During investigation the present applicant was arrested and at his instance there was a recovery of 104 steel plates from the present applicant.
3. Heard learned counsel for the applicant who submitted that as far as the recovery is concerned which is shown to be recovered on 26.11.2024, whereas present applicant is arrested on 27.11.2024, it is a common recovery shown against the present applicant. This recovery is before the arrest of the present applicant which itself appears to be

doubtful. Mere criminal antecedents are not sufficient to detain the present applicant behind the bar and to curtail his liberty. In view of that, he be released on bail.

4. Learned APP strongly opposed for the same and submitted that in all 44 offences are registered against the present applicant if he is released on bail there is every likelihood of committing the similar type of the offences. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it reveals that the present applicant is arrested in the present crime on 27.11.2024 and the recovery is shown is against him on 26.11.2024. It further reveals from the investigation papers that as per the FIR only 61 steel plates shown to be stolen whereas the recovery *panchnama* shows that in the said crime the investigating officer has recovered 104 of steel plates. Thus, 18 steel plates were the complete plates and 104 were damage plates. Considering this recovery *panchnama* which appears to be doubtful. At this stage, now investigation is already completed, charge-sheet is already filed. Considering the punishment provided for the offence is upto 3 years the further detention of the present applicant is not required. 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.646/2024 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 2nd and 20th of every month and the Investigating Officer shall record his presence.
- [d] The applicant shall not leave the jurisdiction of Nagpur District Court without prior permission of the Judicial Magistrate First Class, Warud, District Amravati.
- [e] The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.
- [f] A single reporting of the offence against the present applicant in criminal a nature would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

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