

**IN THE COURT OF SESSION FOR GREATER BOMBAY  
AT BOMBAY  
ORDER BELOW EXH.4, EXH.8 AND EXH.13  
IN  
SESSIONS CASE NO.69 OF 2018**

Mr. Santosh Rammana Ghoge  
Age : 21 years, Occ.: Service,  
Residing at Room No.4,  
MHADA Transit Camp, Kokari Agar  
Wadala TT, Mumbai.

....Applicant/accused  
in Exh.4

Raju Kashinath Sonkar  
Aged 27 years, Indian Inhabitant,  
Occ.:Service, Permanent resident  
of Gram Divva, Post Gangapur  
Tahsil Shahar Kotwali  
Dist. Gonda, UP.

.....Applicant/accused  
in Exh.8

Mohd.Sayeed Allauddin Khan  
Age : 35 years, Occ.:  
Gaon Hajibpur, Post : Umedjoyt, Dist.Gaunda,  
State : Uttarpradesh  
Ram Rahim chawl, Room No.J-79, Ambujwadi,  
Gate No.8, Malvani, Malad (W), Mumbai.

.....Applicant/accused  
in Exh.13

Versus

**The State of Maharashtra  
(At the instance of Khar Police Station)**

..... Respondent.

Advocate Mr.Vishal Deshmukh for the applicants/accused.  
Learned A.P.P. Ms. Sanjana Sharma for the State.

**CORAM : HIS HONOUR ADDL.SSESSIONS JUDGE  
SHRI. D.E. KOTHALIKAR (C.R.NO.34)**

**DATED : 24<sup>th</sup> JULY, 2018.**

**(DICTATED AND PRONOUNCED IN OPEN COURT)**

**:ORAL COMMON ORDER BELOW EXH.4, 8 AND 13:**

Read applications Exh.4, 8 and 13 and their say. Heard.

2. Learned Advocates for the accused have submitted that the accused have been arrested merely on the basis of the suspicion and therefore, considering the fact that the report under Section 173 of Cr.P. Code has already been filed, it is necessary to exercise discretion to release them on bail, in favour of the accused. Thus, it is prayed for grant of bail.

3. The application has been objected by the Learned A.P.P. by submitting that so far as the accused Raju is concerned, cash amount of Rs.7,52,000/-, four bangles, one Mangalsutra, a chain, a ring, two ear rings, a pendent and two mobile handsets which are involved in the crime, have already been seized at his instance. Further, at the time of incident, the mobile connection of accused Raju states that he was present nearby the spot of incident. He has been identified by witnesses namely Ramkishor Mishra and Ramgopal Prajapati. Therefore, it is prayed for rejection of the application.

4. So far as accused Santosh is concerned, according to the prosecution witnesses Ramkishore Mishra and Ramgopal Prajapati have identified the accused. The accused had used screw driver as a weapon. Therefore, it is prayed to reject his application for bail.

5. On the point of involvement of accused Mohd. Sayeed, the prosecution had come with the contention that accused Mohd. Sayeed had used toy pistol to threaten the informant. Further, at the time of commission of the crime, he had used mobile connection No.8286548967 and that it was used for communication between the

accused persons. Further after the arrest of accused Mohd. Sayeed, cash amount and ornaments have been seized by drawing seizure panchanama under Section 27 of the Evidence Act. He has also been identified by the witnesses. Therefore, it is prayed for rejection of the application.

6. It is to be noted here that the report under Section 173 of the Cr.P. Code has been filed against the applicant. On perusal of the Police Paper, it is found that the accused Mohd. Sayeed, Raju and Santosh have been identified by the witnesses at the time of identification parade. The witnesses have specified roles played by the accused persons. Looking to the fact that there is recovery at the instance of accused Mohd. Sayeed and Raju, it goes to suggest that there is prima facie, strong material against the applicant. Considering these aspect, in my view, it would not be just to exercise discretion in favour of the accused persons. Hence, the applications are liable to be rejected. Hence, I proceed to pass the following order.

**:ORDER:**

Bail Application (Exh.4) filed by accused Santosh Rammana Ghoge, Bail Application (Exh.8) filed by accused Raju Kashinath Sonkar and Bail Application (Exh.13) filed by accused Mohd. Sayeed Allauddin Khan stand rejected.

**Date : 24.07.2018.**

**(Dinesh E. Kothalikar)**  
**Addl. Sessions Judge,**  
**City Civil and Sessions Court,**  
**For Greater Bombay**

: 4 :

Dictated on : 24.07.2018.  
Typed on : 25.07.2018.  
Signed on : 25.07.2018.

: 5 :

**“ CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL  
SIGNED JUDGMENT/ORDER”**

**UPLOAD DATE AND TIME : 26.07.2018 AT 2.45 pm**  
**NAME OF STENOGRAPHER :MRS. RUPALI RAJESH WAKODIKAR**

|                                       |                                                |
|---------------------------------------|------------------------------------------------|
| <b>NAME OF THE JUDGE</b>              | <b>HHJ SHRI.D.E.KOTHALIKAR<br/>(C.R.No.34)</b> |
| <b>Date of Pronouncement of Order</b> | <b>24.07.2018</b>                              |
| <b>Order signed by the P.O. On</b>    | <b>24.07.2018</b>                              |
| <b>Order uploaded on</b>              | <b>26.07.2018</b>                              |