

ORDER BELOW EXH. 14
CRIMINAL BAIL APPLICATION NO. 89 /2018

1- This is first bail application filed by the accused Uttamkumar Jasram Mali for releasing him on bail under Section 439 of the Code of Criminal Procedure. At present he is residing at Pune and permanently residing at Bhinmal, Tal. Bhinmal, District Jalor, Rajasthan. Say of Faraskhana Police station was called by my learned predecessor and it was filed on record at Exh. 27 through Ld. A.P.P. I have heard argument advanced by Ld. Counsel for accused/applicant and Ld. APP Shri M.G. Poul. Also perused documents filed along with application.

2- In the present matter, story of the prosecution about the incident, in brief, is as under-

On 22.08.2017 at about 13.45 till 14.15 hours the accused persons entered into the office of complainant when the complainant was in his Quick Couriers , 59/64, Kasba Peth, Pune and by showing fear of pistol, the accused persons committed dacoity and took cash amount of Rs.2,25,000/-, mobile handsets of complainant and witnesses, four courier parcels, CCTV camera, DVR and while leaving the spot accused persons confined the complainant and others by putting latch from outside the office.

3- On the basis of the said complaint, Police of Faraskhana Police Station registered crime No. 189/2017 for committing offence under Sections 395, 397, 342 of the Indian Penal Code, under section 3(25) of Arms Act and under section 37(1) r/w 135 of Bombay Police Act.

4- Learned counsel for accused/applicant submitted that accused/applicant was arrested by Faraskhana police on 24.08.2017 in crime No. 189/2017 registered under Sections 395, 397, 342 of the Indian Penal Code, under section 3(25) of Arms Act and under section 37(1) r/w 135 of Bombay Police Act. After police custody remand of the accused, accused was remanded in Magistrate custody. He has further submitted that the investigation of the crime has been completed by police and police has filed charge-sheet before the Court and case has been committed to this Court.

5- The Ld. Counsel for accused/applicant has further submitted that name of accused/applicant is not appearing in the F.I.R. The Identification parade of the accused persons conducted by the police is illegal and it is violation of the guidelines Issued by the Hon'ble High Court Criminal Manual as at the time of Test Identification Parade two accused persons were put in single line along with 12 other dummy persons. He has further submitted that the except the Test Identification Parade there is no other prima facie case made out against accused/applicant.

6- The Ld. Counsel for accused/applicant has further submitted that it will require much time to decide the matter on merit. Further, accused is permanently resident of Bhinmal, Taluka Bhinmal, District Jalor, Rajasthan. Lastly, he has submitted that accused is ready to furnish bail to the satisfaction of the Court and is ready to abide conditions imposed by this Court while granting bail to the accused.

7- Ld. APP Shri M.G. Poul while advancing argument before

the Court submitted that, there is direct evidence against accused-applicant. He is resident of Rajasthan. If he is released on bail there is every possibility of his abscond and flee from justice and he may tamper the evidence of prosecution. Therefore he submitted that application may be rejected.

8- After carefully going through the record and proceeding, F.I.R., police report, argument submitted by the APP it can be seen in the present matter that there is seizure of amount of Rs. 20,000/-, one mobile handset, one knife from the possession of the accused at the time of his personal search. However, it can be seen in the present matter charge-sheet has been filed by the police and thereafter case has been committed to this Court and it is pending. It is fact that it would required considerable time to decide the case on merit.

9- Further it can be seen that in the present case, bail applications filed by Bhairumal Harishankar Raval and Shambhusingh Mulsingh Singhal have been allowed by my Ld. Predecessor on 21.09.2018 and 03.12.2018 respectively. In the present case accused Nos. 4 and 5 has been ordered to be released by this Court on 18.07.2018. Therefore on the grounds of parity accused/applicant is entitled to be released on bail by this Court by imposing certain conditions. Hence I proceed to pass following order.

ORDER

- 1- The application is allowed.
- 2- Applicant Uttamkumar Jasaram Mali in connection with C.R.

No. 189/2017 registered with Faraskhana police Station be released on regular bail on furnishing P.R. Bond of Rs.30,000/- with one or two solvent sureties in the like amount.

- 3- He shall attend the Court on each and every date.
- 4- He shall furnish his residential address at Pune and he shall not leave Pune City without permission of the Investigating Officer.
- 5- He shall not tamper, hamper the prosecution evidence.
- 6- He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- 7- Bail before this Court.

Pune.

Date : 14.06.2019

(R. G. Deshpande)

Additional Sessions Judge Pune

Certificate

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : Smt. S. V. Hirve

Court name : Shri. R. G. Deshpande

Additional Sessions Judge, Pune.

Order dictated on : 14.06.2019

Order transcribed on : 14.06.2019

Order checked and signed by P. O. : 14.06.2019

Order uploaded on : 15.06.2019