

Order below Exh.27 in Sessions Case No. 639/2015

Heard learned Counsel for applicant - Somnath Bhimrao Waghmare and the learned APP. Perused the application and the adjoining documents.

2. This is second bail application filed by the applicant in respect of the offences punishable under Section 395 of the Indian Penal Code in CR No. 81/2015 registered with Hinjawadi Police Station, Pune.

3. It is the prosecution case that on 23.03.2015, complainant - Uttam Navnath Kale was proceeding towards State Bank of India, Hinjawadi Branch, for depositing the amount of sell of petrol and diesel on motorcycle. When he was on the way, two unknown persons came from his backside on motor, they fell him down and taken away the bag which contains an amount of Rs. 5,43,455/-.

4. It is contention of learned Advocate for the applicant that the applicant has not committed any offence and not concerned with any offence. He has been falsely implicated only on suspicious ground. There is no direct or circumstantial evidence against the applicant to connect him with the alleged crime. Name of the present applicant is not mentioned in FIR. Other co-accused were released on bail. Hence, on the ground of parity prayed for bail.

5. Per contra learned Advocate for the State submitted that the vehicle used in the crime is stolen by the present applicant. The applicant is absconding for seven months and he has played active role in commission of the aforesaid crime. The offence is of serious nature. Hence, sought for rejection of bail.

6. It appears from the record that the present

applicant had informed on phone about the complainant's movement to co-accused - Mandar Chorage and Rajendra @ Raja Waghere. The act of robbing is not assigned to the applicant. The role assigned to the applicant is that he kept watch. The other co-accused having same role are already released on bail.

7. Taking into consideration, the role assigned to the applicant and the on the ground of parity, the applicant is entitled for bail. Hence, the following order :

ORDER

The application is allowed.

2. The applicant viz:- Somnath Bhimrao Waghmare be released on bail in the sum of Rs. 25,000/- with solvent surety in the like amount.

[a] The applicant shall cooperate the investigation as and when directed.

[b] The applicant shall not tamper the prosecution witnesses in any manner.

Pune.

Date:- 11 /11/2016.

(M.W. Chandwani)

Additional Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno. :- Smt. Mohini Prashant Rahurkar

Court Name:- Shri. M W Chandwani, District Judge-2 , Pune

Date of order : 11.11.2016

Order typed on :11.11.2016

Order signed by Presiding Officer on : 15.11.2016

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