

Order below Exh.43 in Sessions Case No. 639/2015

This is an application filed for bail by accused Rajendra @ Raja Kashianth Vadghare, for bail under Section 439 of the Cr.P.C. for the offence punishable under Sections 394, 395 of the IPC, registered with Hinjewadi Police Station, in CR No. 81/2015.

2. It the case of the applicant / accused that he is falsely involved int his case. He is no way concern with this crime. He is not habitual offender. Investigation is already completed and presence of the accused is not necessary for prosecution. Hence, the accused is entitled to be released on bail. Hence, this application.

3. Learned APP for the State filed reply and strongly opposed the application contending that there are strong circumstances against the accused, who has committed offence punishable under Sections 394, 395 read with Section 34 of the IPC. Previous application filed by this accused on 11.102.2015 is already rejected. There is no any case made out to reconsider bail application and to release the present applicant / accused on bail. Learned APP finally prayed for rejection of the application.

4. After hearing submissions of both the parties, following points arise for my determination. I have given my findings for the reasons stated below :

S.No.	Points	Findings
1.	Whether accused / applicant - Rajendra @ Raja Kashianth Vadghare is entitled to release on bail under Section 439 of the Cr.P.C. ?	No
2.	What order ?	As per final order.

REASONS

5. In this case, it is case of the accused that one of the accused Seizure Panchanama released by this Court. Therefore, on the ground of parity, he can be released. It is submitted that on 19.08.2015 accused Ramesh Bhosale is released by this Court. On perusal, it is found that bail order was granted without knowledge of rejecting of the application for bail filed by Ramesh. Therefore, the accused is not entitled for bail on parity ground.

6 In this case, story of the prosecution is that on 23.03.2015, at about 13.20 hrs at Mini Market, Hinjewadi, the accused came on motorcycle from backside; obstructed the complainant by kick; when the complainant failed down, they forcibly snatched bag, containing amount of Rs. 5,43,455/- and also beat him and thrown chilly powder and ran away from the motorcycle.

7. These allegations are very serious. Therefore, considering facts and circumstances of the case and also considering the fact that previous bail application of this accused is rejected by this Court, therefore, application filed by the accused for bail under Section 439 of the Cr.P.C. deserves to be rejected. In the result, I record my findings on the points in the Negative and proceed to pass following order

ORDER

The application (exh.43) filed by applicant / accused - Rajendra @ Raja Kashianth Vadghare, for bail stands rejected.

Pune.

Date:- 25.07.2017

(K.K. Jahagirdar)
Additional Sessions Judge, Pune.

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

Name of Steno. :- Smt. Mohini Prashant Rahurkar

Court Name:- Shri. K.K. Jahagirdar, Additional Sessions
Judge, Pune.

Date of Order : 25.07.2017

Typed on : 28.07.2017

Presiding Officer signed on: 31.07.2017

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