

ORDER BELOW EXH. 70
IN SESSIONS CASE NO. 639/2015

State of Maharashtra

Prosecution

V/s.

Somnath Bhimrao Waghmare @ Patil Accused
and others

Perused the bail application of Mandar Tanaji Chorge and say thereon. Perused charge-sheet. Heard the learned Advocate Shri. Deshmukh for the applicant / accused and APP Shri. Javed Khan for the State.

2] It is the case of the Prosecution that on 23.09.2015 at about 13.20 hours complainant by his motorcycle was proceeding to deposit the amount in State Bank of India. At about 1.30 a.m. suddenly, one motorcycle came to him from his backside. There were three persons on the said bike along with rider. They have covered their faces with Monkeycap. The pillion rider of the said motorcycle had kicked to the complainant and also spread chilly powder. He fell down. The bag containing cash of Rs. 5,43,455/- was snatched by them. Thereby committed an offence punishable under Sec/s. 394, 395 r.w 34 of Indian Penal Code which registered as CR No. 163/2014 with Hinjawadi Police Station.

3] The learned Counsel for the applicant submitted that incident had taken place on 23.03.2015 whereas applicant Mandar Chorge was arrested on 23.06.2015. On 26.06.2015 there was identification parade, which was passed as it was impossible to identify as the robbers had used monkeycap on their faces. Applicant is arrested on suspicion. Since 23.06.2015 he is in jail. No muddemal is received. Again about 1 year will require to conclude the trial. There is delay in completion of trial. Therefore, he prayed for bail. He placed reliance on following citations:-

1] ***Sanjay Chandra V/s. Centre Bureau of Investigation, AIR 2012 SC, 830***, wherein Their Lordships have observed as under-

“The object of bail is generally to secure the presence of accused persons at the trial and it's object is not punitive nor preventative”.

2] ***State of Kerala V/s Raneef, AIR 2011, S.C. 140***, wherein Their Lordships have observed as under-

“Delay in conclusion of trial is an important factor to be considered for bail under Sec. 437 of Cr.P.C.”

4] The learned APP submitted that this is a subsequent application. His previous bail application Exhibit. 7 came to be rejected by this Court. So also, bail was rejected

by the Hon'ble High Court. He is facing number of trials for similar offences. Applicant was driving motorcycle and he has kicked the complainant and caused to fell down on the ground. Thereafter, he has snatched the bag of the complainant containing money. In identification parade, applicant is identified.

5] Incident had taken place day brought light at about 1.30 p.m. Applicant had kicked the complainant and also snatched his bag containing cash. He is identified by the complainant. Previous bail application is rejected by this Court. Hon'ble High Court in Criminal Bail Application No. 2554/2016 on dt. 18.04.2017 has also rejected bail. Charge is framed. Matter is fixed for depositing of muddemal. Therefore, in my view applicant is not entitled for bail. Hence, order.

ORDER

Application is hereby rejected.

Sd/---

Pune.
Date :13.11.2018

(A.S.Bhaisare)
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 : Mrs.Bankapure V.N. Steno- Grade-I,

Name of Court :Shri. A.S.Bhaisare.
Additional Sessions Judge, Pune

Date of order. - 13.11.2018

Order signed by P.O. on : 13.11.2018

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