



**Sessions Case No. 639/2015**  
(CNR No. : MHPU01-011725-2015)

**State of Maharashtra**  
**Vs.**  
**Rajendra Wadghare & Ors.**

**ORDER BELOW EXH. 128**

1] This is a successive application by Applicant/accused No.2 Mandar Tanaji Chorge for Regular Bail under Section 439 of Code of Criminal Procedure in respect of Crime No.81/2015, registered under Section 395 of Indian Penal Code, at Police Station, Hinjwadi, Pune.

2] Advocate for Applicant submits that, Applicant is behind the bars since July 2015. Prosecution has examined number of witnesses. The trial is at final stage. But, due to the Covid-19, the trial is not proceeding further. Applicant would not tamper evidence in the matter. He is ready to abide by all the conditions put by this Court. Therefore, he prays for grant of bail.

3] Learned APP Mr.Javed Khan appeared for the State and filed his say at Exh.129. He submits that, this Court rejected earlier bail applications of Applicant filed at Exh.6, Exh.17, Exh.120 and Exh.126. Hon'ble High Court has also rejected the bail application of Applicant. The prosecution has taken utmost care for recording the evidence in the matter at the earliest. Prosecution is ready and willing to call the balance witnesses if the defence is ready for recording the evidence. As such, there is no substantial change in circumstance. Moreover, Applicant is having criminal antecedents.

Offence is serious in nature. Therefore, he prays for rejection of the application.

4] Heard learned Advocate R.K.Langhe for the Applicant and learned APP Mr.Javed Khan for the State. Perused the Papers.

5] This is the successive bail application for regular bail. Advocate for Applicant has relied upon following two citations and contended that, if there is delay in trial, Applicant is entitled for bail.

[1] **State, C.B.I./S.P.E., New Delhi Vs. Pal Singh & Anr.,** reported in 2001 ALL MR (Cri) 751.

[2] **Sagar Sutar Vs. The State of Maharashtra,** decided in Criminal Appeal No. 534 of 2020, dated 24/08/2020 by Hon'ble Supreme Court.

But, in the present matter the trial has already been started, the evidence of 12 witnesses has been recorded. Prosecution is also ready to conclude the trial as early as possible. Therefore, as such there is no substantial change in circumstance. Hon'ble High Court has also considered the prima facie material available against Applicant and rejected his bail application. Therefore, in such scenario, the discretion cannot be used in favour of Applicant. Hence, the following order.

### **ORDER**

1] Application is rejected.

Pune.  
Date : 06/11/2020.

[ Smt. A. V. Rotte ]  
Additional Sessions Judge,Pune

## C E R T I F I C A T E

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

|                                      |    |                                                                               |
|--------------------------------------|----|-------------------------------------------------------------------------------|
| Name of the Court                    | :- | Smt. A. V. Rotte,<br>District Judge –2 and<br>Additional Sessions Judge, Pune |
| Name of the Steno                    | :- | Shri. D. L. Gudde<br>Stenographer (Grade-I)                                   |
| Date of Order                        | :- | 06/11/2020                                                                    |
| Order signed by<br>presiding officer | :- | 06/11/2020                                                                    |
| Order uploaded on                    | :- | 06/11/2020.                                                                   |