

Order below Exh-20 in Sessions Case No. 679/2015

This is an application filed by accused No. 2 Sanjay Shankar Gokhale for releasing him on bail in C.R. No. 151/2015 registered under section 395 of I.P. Code in Warje Malwadi Police Station Pune.

2] It is the allegation of prosecution against him that on 24-5-2015 when the complainant was in his laundry shop he and other accused had been there and started abusing her and assaulted, snatched his gold chain and gold chain of Jayshri. Therefore, offence is registered against him and others.

3] It is his contention that he is innocent and not committed any crime as alleged. The complaint is filed against four known person and one unknown person. He is permanent resident of Kothrud Pune. He is in service and possess immovable property at Pune. His family members are solely depending on his income. His further detention causing hardship to his family member. The investigation is over. Nothing incriminating article is recovered from him. There is no evidence at all to show his connection with the crime in question. Only on suspicion police has arrested him. His name is not mentioned in F.I.R. The role of co-accused who are released on bail is more serious than him. Therefore, on the ground of parity also he is entitled for bail. He is ready and willing to abide all the conditions to be imposed on him and ready to furnish adequate surety to the satisfaction of this court. He undertake that he will not

hamper or tamper the prosecution witnesses in any manner. On all above ground it is prayed that his application requires to be allowed.

4] The I.O. and APP has strongly resisted the application by filing their written say vide Exh- 24 and 25. It is submitted that yet the other accused involved in the crime are not arrested. The muddemal is also not yet recovered. Earlier Bail application No. 3040/2015, filed by the present applicant has been rejected on 28-9-2015. If the accused is released on bail then there will be danger to the life and limb of the complainant and other witnesses. There will be more chances of pressurizing the complainant and witnesses and also chances of absconding of accused. On all above grounds and other grounds it is submitted that application is deserves to be rejected.

5] On going through the record and proceeding, it appears to me that, earlierly also the applicant accused had filed Bail Application No. 3040/2015 which has been dismissed on 28-9-2015 by passing detail and reasoned order. It is the grievance of the prosecution that the applicant/accused is the main accused. On perusal of the investigation paper, it reveals that there is strong prima facie case against the accused. Therefore, though the earlier accused released on bail the present applicant is not entitled to release on bail on the ground of parity. Further more, his earlier application is also rejected, wherein he sought relief of bail on the ground of parity. No doubt, the chargesheet is filed on 28-8-2015 and case is committed for trial to the

Sessions Court. But as per the submission of the prosecution and investigation officer yet the other accused are to be arrested and muddemal to be recovered.

6] Considering all these aspects, seriousness of offence, submission of both sides and involvement of present accused in the crime and as his earlier order of rejection of bail is still in existence, which has not been challenged before the Superior Court, I am of the opinion that he is not entitled to release on bail as prayed. Thus, I pass the following order -

ORDER

Application is rejected.

[Dictated and Pronounced in open Court.]

Date – 5-12-2015

(B. Y. Kale)
Addl. Sessions Judge, Pune