

IN THE COURT OF SESSIONS JUDGE, BARAMATI.

(Presided over by S.T.Bhalerao, Addl. Sessions Judge)

Sessions Case No. : 30 of 2019.

(CNR NO. : MHPU14-000386-2019)

Applicant : Gurunath @ Purannath Dhannath Goswani

// VERSUS //

Non-applicant : **State of Maharashtra**
Through Police Station Officer,
Police Station Yawat, District Pune.

ORDER BELOW EXHIBIT 17.

(Passed on this 5th April 2019)

This is an application for grant of bail in Crime No. 614/2017 under Section 341, 394, 397 of the Indian Penal Code and under section 3 read with 27 of Arms Act registered at Police Station Yawat, Dist. Pune filed under Section 439 of the Code of Criminal Procedure, 1973.

2] It is contended that the accused came to be arrested on 24/11/2017. He underwent police custody. Thereafter he came to be remanded to Magisterial custody. After the charge sheet was presented, the bail application being bail application no. 433/2018 came to be made which was rejected. It is submitted that in another crime the accused is arrested and then he was taken in custody in this crime. Kurnool Court granted bail in the above mentioned crime. This is the change in circumstance.

3] The accused is an innocent and has not committed any offence. There is no evidence against him. He is a permanent resident of above mentioned address. He is the sole bread-winner of his family. There are no

convictions passed against him. He is ready to abide by the conditions, if any imposed. It is prayed to allow the application.

4] The learned A.P.P. opposed the application by filing say on the overleaf of the application. It is submitted that the offence is serious. The possibility of accused getting absconded is there. The cash looted was seized in other State. The role of the accused has been mentioned in the FIR. There is injury certificate on record. Another crime is pending against the accused at Kurnool. The T.I. parade panchanama is on record. Hence, the application deserved to be rejected.

5] Heard both the sides and perused the record.

6] The learned advocate for the accused would submit that when the earlier order is passed, the charge sheet was not before this Court. There is a change in the circumstance, as the sessions case is pending before this Court. In the said crime at Kurnool the bail has been granted. It is submitted to allow the application.

7] Learned A.P.P. reiterated the contentions made in the say. It is submitted that the offence is serious and accused may get absconded. It is submitted to reject the application.

8] Perusal of the order passed by the learned Additional Sessions Judge, Baramati on 3rd March 2018 reveals that the charge sheet had been presented before the concerned JMFC, prior to passing of the order, thereby rejecting the bail to this accused. The learned ASJ has considered that the informant, who was travelling by a car along a high-way, was intercepted by accused persons. They assaulted him with an iron rod. One of the accused fired a bullet from his pistol which stuck on the right leg of the informant. The accused persons took away his car, price Rs.7,00,000/-, so also cell

phone and documents. The accused later on came to be apprehended in another crime and transferred in this crime. The prima facie involvement of the accused is seen in the crime.

9] The learned ASJ further observed that perusal of the copy of charge sheet and record showed that the accused was identified before the Executive Magistrate in T.I. Parade as one of the robbers. The panchanama of the same was there with the charge sheet. On perusal of the record the learned ASJ was pleased to observed that the offence was serious, as pistol was used for causing injury. Iron rod was also used to assault the informant and the cash was looted . The accused was seen to be habitual offender as was involved in another crime, above mentioned. By observing that the accused would get absconded the application came to be rejected.

10] It is seen that after rejection of the bail, the only change pointed out is in the another matter the accused has been released and the accused is in jail for a longer time.

11] It is seen that the learned ASJ while deciding criminal bail application No. 433/2018 had perused the copy of case diary and observed, among other things that the offence was very serious. Prima facie involvement of accused was there and he was likely to get absconded on his release.

12] Only the release of accused in another crime and he being in jail for above a year itself is not such a change in circumstance to grant him bail. Particularly, when the learned ASJ has made categorical observations to reject his bail after the charge sheet was already presented before the JMFC.

13] There being no such changes in the circumstances, the accused

is not entitled to be released, when his first application was rejected by passing a reasoned order. Hearing of the case can be expedited.

ORDER

The second bail application is rejected.

Baramati.
Dated : 05.04.2019.

(**S.T. Bhalerao**)
Additional Sessions Judge,
Baramati.

C E R T I F I C A T E

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

Name of Steno	: V.A.Nagarkar
Court Name	: Shri. S.T.Bhalerao, District Judge-2 and Addl.Sessions Judge, Baramati.
Date	: 05.04.2019
Judgment/order signed by P.O. On	: 05.04.2019
Judgment/order PDF on	: 05.04.2019
Judgment/order uploaded on	: .04.2019