

MHPU140003862019



Session Case No. 30/2019

State of Maharashtra

Vs.

Gurunath Goswami & Ors.

ORDER (BELOW EXH.24)

This bail application has been filed by the Accused, namely, Bharatkumar Sharadaramji Mali under Section 439 of the Code of Criminal Procedure in connection with Crime No.614/2017 for the offences punishable under Sections 341, 394, 397 of the Indian Penal Code and under Section 3(27) of the Arms Act at Baramati Taluka Police Station.

1] The Applicant contended that he is an innocent person and has been falsely implicated in the offence. There is no direct evidence against him. The charge-sheet is filed in the Court. Therefore, no purpose would be served by keeping the Applicant behind bars. He is ready to abide by the conditions imposed by the court, if released on bail. Therefore, the Applicant requested to release him on bail.

2] The Investigating Officer and the learned APP opposed the application vide Exh.26. It is contented that the Honda Mobilio Car No. GJ/27-AH-5233 and one Pistol used in commission of offence are seized in the State of Rajasthan. After the present offence, the Accused committed dacoity of Rs.5.5 Crore in the State of Telangana. Crime No.177/2017 for the offences punishable under Sections 394, 395 and 365 of the

Indian Penal Code is registered at Dhon Police Station (Telengana) accordingly. The Applicant is a habitual offender. His Test Identification Parade is carried out during investigation. He is the resident of other State. If he is released on bail, he may pressurize the prosecution witnesses and flee away. The Accused No.4 is not yet arrested. Therefore, it is prayed for rejection of the application.

3] Heard, the learned **Adv. D.V. Ghadge** for the Applicant and the learned **APP. Smt. S.K. Naik**. I perused the documents on record. The first informant, namely, Mahesh Shivlingappa Tilganji is a Police Inspector at Daund. On 11-09-2017, he lodged report. He contended that on 11-09-2017 at about 5.30 p.m., he left for Nanvij Training Center at Daund in his Swift Dezire Car. One white colour Ertiga Car came from his backside. One person sitting on the front seat told the informant that a disc of wheel of his car was dislocated. The informant stepped down from his car. At the same time, three persons also alighted from the said Ertiga car. One of them started assaulting the informant by iron rod in his hand. He assaulted the informant on his leg. The other person fired by pistol near knee of right leg of the informant. Thereafter, they all moved therefrom by taking away Swift Dezire Car No. MH-12/NU-9244, one mobile phone of Micromax company and insurance papers etc. of the informant. There are eye-witnesses of the incident. They gave their statements before the police supporting the report lodged by the informant. Therefore, there is strong prima facie case and sufficient material against the Applicant. There are specific and serious allegations against him. The Applicant is the resident of village Kharoda-Chouriya, Tal. Bhimnal, Dist. Jalori (Rajasthan). The say (Exh.26) shows that the Applicant also committed similar offence in the State of Telengana after commission of the present offence. Considering these aspects, I am of the opinion that if the

Applicant is released on bail, he may commit similar offence and may also jump on bail. Therefore, the Applicant is not entitled to bail. Hence, I pass the following Order.

ORDER

This application at Exh.24 is hereby rejected.

Date :- 30/05/2020

(D.B. Bangde)
Additional Sessions Judge,
Baramati.

CERTIFICATE

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

Name of Stenographer : R.R. Sherekar (Steno-G1)

Court Name : D.B.Bangde,
Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order : 30.05.2020

Order signed by
Presiding Officer : 30.05.2020

Order uploaded on : 30.05.2020