

1 Sessions Case No.216/2023

State of Maharashtra Vs. Sachin Jagdhane

IN THE COURT OF ADDITIONAL SESSIONS
JUDGE, BARAMATI, DIST.PUNE.
(Presided Over by Surekha R. Patil)

Sessions Case No.216/2023

CNR No.MHPU140046182023



State of Maharashtra

Vs.

Sachin Jagdhane

ORDER BELOW EXH.42

(Delivered on 20th February, 2025)

The applicant/accused **Duryodhan @ Dipak @ Pappu Dhanaji Jadhav** has filed this application for bail under the provision of **Section 439** of the Code of Criminal Procedure (Here in after, in short, Cr.P.C.) in connection with C.R.No. 224/2023 for the offences punishable u/Secs. 394, 395, 397, 120(B) r/w. Section 34 of the Indian Penal Code (here-in-after, in short, IPC), registered at Baramati Taluka Police Station, Tal.Baramati, Dist.Pune.

2] Brief facts of the prosecution case are: -

It is case of prosecution that, on 21/4/2023 the informant's husband was out of station. At about 8.15 p.m. the informant gone to her neighbour's house to call her children. At about 8.30 pm she returned back to home. When she came out from bathroom in their house, she saw three unknown persons coming from back side of their bathroom. One out of them has caught hold her, tied her hand and legs. When she tried

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to shout, they started beating her and take her in her house. They asked her son to keep quiet. They pick up and taken her in bedroom. Then they stolen away 54 lakhs rupees kept in the cupboard. One out of them went out of that room. Other two unknown persons have inquired about gold ornaments. She told them that the ornaments have been kept in kitchen room. Both these persons pick up and taken her to kitchen room. There they stolen away their gold ornaments. At that time, one out of them, who has worn white colour shirt has uttered the word 'तुझ्या नव-यामुळे खुप नुकसान झाले आहे, त्याच्यामुळे माझा भाऊ पाच वर्षापासून जेलमध्ये आहे' and left that place. The informant came out from kitchen and realized that their three mobile phones are also stolen away by these unknown persons. Accordingly, the informant has lodged report against these three unknown persons.

3] On the basis of her report, crime vide C.R.No.224/2023 for the offences punishable U/s. 394, 395, 397, 120(B) & 34 The Indian Penal Code, came to be registered at Baramati Taluka Police Station, Tal.Baramati, Dist.Pune against unknown persons. Investigating officer has arrested accused/applicant along with other accused on 19/08/2023. After completion of investigation has submitted charge-sheet against accused persons. Accused/applicant is in judicial custody since 24/08/2023. So, he has moved this application for grant of bail.

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4] Ld. APP has filed reply at Exh.58, Investigating officer has filed reply at Exh.44. Both of them have contested the application and prayed for it's rejection.

5] The informant appeared through her Advocate and contested the application. The informant has also prayed for rejection of application on the ground that, accused/applicant is involved in the commission of offence, there is prima facie material against accused/applicant, stolen property is yet not completely recovered, offence committed by accused is serious in nature etc.

6] It is submission of Ld. Advocate for accused that FIR has been filed against three unknown persons. Accused/ applicant is accused No.4 in this case. There is no specific allegation against accused/applicant showing his involvement in FIR. Accused No.6 in this case is released on bail. Accused No.5 is released on bail by Hon'ble Supreme Court. Roll of accused/applicant and accused No.5 is similar. So accused/ applicant is entitled for parity.

7] In support of his submission he relied upon **Ramees Vs. State of Kerla in Bail Appln No.5538/2024 dt.23/7/2024**, wherein their Lordship have been released accused on bail facing trial for the offence punishable under Section.365, 394, 395, 120(B) r/w. Section 34 of IPC on the ground that

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further detention of accused/applicant is not necessary.

8] Perused material placed on record. It appears from record that, there is prima facie sufficient evidence showing involvement of accused/applicant in the commission of offence. Cash amount of Rs.54,00,000/- and gold ornaments worth more than Rs.1,07,00,000/- , three mobile hand sets have been stolen away. Out of which gold and silver ornaments as well as cash worth Rs.18,84,300/- is recovered at the instances of accused Sachin. Gold ornaments and cash worth Rs.7,46,600/- recovered from accused Nitin More. Cash amount and gold ornaments worth Rs.12,23,100/- recovered from accused Rayba Chavan. Cash amount & gold ornaments worth Rs.13,28,410/- are recovered from accused Ravindra Bhosale. Cash amount of Rs.16,50,000/- recovered from accused/applicant. This shows that there is prima facie sufficient evidence showing involvement of accused/applicant in commission of present offence.

9] Though Ld. advocate for accused prayed for parity, as pointed out by Ld. Advocate for the informant and Ld. APP, Hon'ble Supreme Court has granted bail to accused No.5 on the ground that though charge-sheet is submitted, charge has not been framed. Now the charge has been framed against the accused. Ld. APP has taken steps to start trial against the accused. So I am of the view that accused/applicant is not

entitled for parity.

10] So also, the nature of offence committed by accused is serious. The way it has been committed goes to show its severity. As pointed out by Ld. Advocate for the informant entire stolen property has not been recovered. So also, after commission of dacoity accused/applicant and other accused have disappeared the evidence against them. Thus, I am of the view that, the presence of accused persons in the society is dangerous to the people residing in the society. So, on that ground also accused/applicant is also not entitled to get bail.

11] Having regard to the above-mentioned facts and circumstances of the case, I am of the opinion that, the accused/applicant is not entitled for bail. I, therefore, pass following order: -

ORDER

1. Application is rejected.

Baramati.

Date: - 20-02-2025

(S.R.Patil)

Additional Sessions Judge,
Baramati, Dist.Pune.

