

ORDER BELOW EXH.6 IN SESSIONS CASE NO. 187 OF 2022**CNR MHST010034942022****(State of Maharashtra Vs. Suresh Uttam Kale)*****(Delivered on 28th February, 2024)***

This is bail application by the applicant/accused Suresh Uttam Kale for regular bail in connection with an offence registered with Miraj Railway Police Station vide C.R.No. 229/2018 for the offence punishable u/s. 395 & 120(B) of Indian Penal Code.

2. Prosecution case in brief is that, on 19/08/2018 the complainant- Bhagyashri Baburao Ubale, R/o. New Mumbai was travelling in Women's Reserved Bogie of LTT-Hubali Express train alongwith her family members. In between 2.30 to 2.45 a.m. the train was stopped at Salpa Railway Station. At that time, an unknown thief inserted his hand from the window of the Railway and committed robbery of gold chain weighing 13 gm. valued at Rs.32,000/- from the neck of complainant. Accordingly, report lodged at Miraj Railway police Station.

3. On the basis of report, crime came to be registered at Miraj Railway Police Station vide C.R.No. 229/2018 for the above mentioned offence.

4. In support of the application, Ld.Advocate for the applicant/accused has argued that the applicant/accused is arrested on 30/08/2022. He has been falsely implicated in the case. Accused is Karta of his family and family members are dependent upon him. He is resident of Jamkhed, Dist.Ahmednagar having immovable property there. He is ready to abide all the conditions, if any imposed by the

Court. prayed to release the accused on bail.

5. Ld.APP filed say at Exh.7 and resisted the application. It is contended that, the looted gold ornament is recovered from the applicant during investigation of Kurundwadi Railway P.S. C.R.No. 112/2018 registered for the offence p/u/s. 395 of IPC. The applicant is habitual criminal. During investigation, it has transpired that applicant used to commit the offences alongwith his transpired associates. Applicant has confessed and produced the looted ornament, which is seized under panchanama. Ld.APP has further submitted that the charge-sheet has been filed in the Court. The associates of the applicant are absconding. If applicant is released on bail, then he will commit such type of crimes with the help of absconding accused. Ld.APP prayed to reject the application.

6. Heard both sides. Perused documents filed on record. Following points arise for my determination. My findings thereon with reasons are as under:-

<u>POINTS</u>	<u>FINDINGS</u>
1. Whether the applicant is entitled to be released on bail ?	No.
2. What order?	Application is rejected.

-.REASONS:-

As to point no.1 :

7. As prosecution case, the modus operandi of the applicant/accused is to damage the signal system of railway and to force

the railway to stop in between. Thereafter, accused and his associates used to put hand through window and used to snatch gold ornaments and other things from the passengers. Investigation shows that these looted articles came to be discovered and recovered at the instance of accused. The modus operandi of the accused itself is quite serious, especially when accused and his associates used to damage the signal system of railway and forced it to stop. The alleged act of the accused and his associates might invite any unfortunate incident due to damaging the signal system of railway. That apart, it is pertinent to note that accused and his associates are habitual. In all four offences have been registered against the accused and his associates. The nature of offence is quite serious. The investigation has completed and trial is about to begin. In the circumstances, if the accused is released on bail, then there is chance of flee and absconding. Therefore, I am of no view to release the applicant on bail. Hence, I answer point No.1 in negative and pass the following order.

ORDER

Application stands rejected.

(Dictated and pronounced in open court.)

Satara
Date : 28/02/2024

(D.L.Nikam)
Addl. Sessions Judge, Satara.