

ORDER BELOW EXH.1 IN CRI. BAIL APPLICATION NO.1245/2022

(CNR NO.MHPU140035772022)

1] This is an application filed by applicants / accused under section 439 of the Code of Criminal Procedure, seeking regular bail in Crime No.171/2022 registered with Vadgaon Nimbalkar Police Station Tal. Baramati, Dist. Pune, for the offence punishable under sections 454, 457, 380 of the Indian Penal Code.

2] As per the story of prosecution, that on 08.09.2021 informant and her husband went to Mumbai by locking their house. On 28.03.2022 one Jayshree Pawar informed her on telephone that there was theft in their house and come immediately. But her husband was became ill therefore she came on 05.04.2022 where she saw that locks of her house was broken. Therefore, she went inside the home. She came to know that unknown persons by committing lurking house trespass committed theft of golden and silver ornaments, water pump, engine, composer machine, grinder machine, marble cutter, welding machine, cylinder, utensils total Rs.40,800/- in the night hours from 08.09.2021 to 28.03.2022. Therefore, she lodged report against unknown person at Vadgaon Nimbalkar Police Station.

3] It is the contention of the applicants / accused that they have been falsely implicated in the present offence. There is inordinate delay in lodging of FIR. There is no prima facie offence made out against them. There is sufficient custodial interrogation and now there is no requirement of further custody of the applicants / accused. They are permanent resident of Khorale Budruk, Tal. Baramati, Dist. Pune. If they are released on bail they will not tamper the prosecution witnesses and evidence. They are ready to furnish surety as per the

directions of the Court and will abide by the conditions imposed by the Court. They are arrested on 20.09.2022 and since then they are in jail. Lastly they prayed to release them on regular bail.

04. The prosecution has opposed the application by filing say at Exh 05 on the ground that the offence is serious in nature. They are habitual offender and there are several offences registered against them at various police stations. If they are released on bail they will again commit similar type of offences and will not appear before the Court for trial and there will no obligations of law on them. It is thus prayed that the application seeking bail may be rejected.

05. Heard both the sides at length. Perused the case papers.

6] No doubt, FIR is registered against unknown person. However, during the investigation name of these applicants / accused were revealed and some stolen articles were recovered from them. It shows their involvement in the commission of present crime. On perusal of contents of say of the prosecution it clearly reveals that several offences were registered against applicants / accused at various police stations in Pune District under Sec.379, 457, 480 of IPC as mentioned in the say and not denied by applicants / accused. More particularly Crime No.186/22, 214/22 and 327/22 are registered and pending against them at Vadgaon Nimbalkar Police Station and there is some recovery of muddemal in each and every crime. It clearly reveals that applicants / accused are habitual offender. It is submission of counsel of applicants / accused that they are only transferred from several crimes intentionally by police machinery. It is to be noted that not only in this crime but also other crimes which were registered against applicants / accused at Vadgaon Nimbalkar Police Station there was recovery and there is no enmity in between these applicants /

accused and police machinery to rope the applicants / accused in false crime. Prima facie involvement of the accused appears in the offence in question. Apprehension of the prosecution is that, if they are released on bail they will again commit similar type of offences as well found from the act of the applicants / accused. Offences are serious in nature. Investigation is in progress and charge-sheet is yet to be filed.

8] Considering these facts and considering the nature and gravity of offence and role played by the applicants / accused, it is not a fit case to exhaust the judicial discretion of grant of bail. Therefore, it is expedient to pass the following order :-

ORDER

- 1] The bail application No.1245/2022 is rejected.
- 2] Criminal Bail Application No.1245/2022 is disposed of accordingly.

Date: 17.10.2022

(S. S. Pallod)
Additional Sessions Judge,
Baramati.

CERTIFICATE

"I affirm that, the contents of this PDF file Judgment are same word for word as per original Judgment.

Name of Court : Shri. S.S.Pallod
Adhoc D.J.-1 & Addl. Sessions Judge, Baramati.

Name of Steno : P. K. Shirolkar (Stenographer-Grade I)

Date of Order : 17.10.2022

Order signed by P.O. on: 17.10.2022

Order uploaded on : 18.10.2022.