

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.694 OF 2015**

Sandip Mahadu Chaudhari

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr.V. S. Tadke i/b Mr. Avinash Kamkhedkar for the Applicant
Mr. S. S. Pednekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 17, 2015.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No. 315/2014.

2. The case of the prosecution in brief is that during the intervening night of 13/7/2013 and 14/7/2013 some unknown persons committed house trespass by breaking open the door of the house of Tushar Tukaram Pasalkar and on threat of causing injuries committed theft of Rs.34,000/- They were armed with swords and other deadly weapons. The said crime was registered on the basis of FIR lodged by Tushar Tukaram Pasalkar. The applicant was arrested in the course of investigation and upon completion of investigation chargesheet was filed and subsequently case was committed to the Court of Sessions, Pune. Application was filed by the applicant for bail

which came to be dismissed by the Sessions Court by order dated 16/12/2014. The applicant has therefore filed application for bail under section 439 of Cr.P.C. before this Court.

3. Mr. Tadke, the learned counsel for the applicant submitted that the name of the applicant is not disclosed in the FIR. He submitted that the applicant is in custody since 14/7/2013. He further submitted that the applicant is not involved in the crime and is therefore entitled to be released on bail.

4. Mr. Pednekar, the learned APP submitted that sword and weapons have been recovered at the instance of the applicant. It prima facie shows his involvement in the crime. Learned APP submitted that the applicant has criminal antecedents.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that during the intervening night of 13/7/2013 and 14/7/2013 unknown persons had broke open the door and trespassed into the house of the complainant. The said persons were armed with swords and other deadly weapons. They committed theft of Rs.34,000/- by threatening to cause injuries to the

complainant.

6. The records reveal that the applicant was arrested on 14/7/2013 and that the weapon viz., sword used as a weapon of offence was recovered at his instance. The material on record prima facie reveals that one motorcycle used at the time of offence is also recovered at the instance of this applicant. The material on record thus prima facie shows involvement of the applicant in committing said crime.

7. Learned APP has placed on record list of cases against the applicant, a perusal of which reveals that the applicant has been convicted in S.C.234/2007 registered at Gevrai police station for the offence under section 302,34, 201,363 of the IPC and that the Appeal is pending before this Court. Apart from the said crime, the applicant is also involved in several other offence including offence under section 307 of the IPC registered at Haveli and Swargate police station. In addition, offence under section 394 of the IPC registered with Velhe police station and under section 326 as well as 452, 427 registered of the IPC at Kothrud and Velhe police stations. The criminal antecedents of the applicant do not justify grant of bail.

8. Considering the above facts and circumstances the application is dismissed.

(ANUJA PRABHUDESSAI, J.)