

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 936 OF 2016

Raviraj @ Anna Chandrakant Wabale. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

**WITH
CRIMINAL BAIL APPLICATION NO. 1018 OF 2016**

Mr. Parmeshwar Balaji Shinde. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Shriram S. Choudhari, advocate for applicant in BA 936/16.

Mr. Yogiraj Purwant h/f. Mr. Sachin Deokar, advocate for applicant in
BA 1018/16.

Mr. Arfan Sait, APP for State.

Mr. V.V. Gholave, API, LCB, Pune (R).

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 20, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 These are applications under Section 439 of the Code of Criminal Procedure, 1973. The applicants are arrested in Crime No. 359 of 2015 registered at Yavat Police Station, Taluka Daund, District Pune under the offence punishable under Section 399, 402 of the Indian Penal Code. Investigation is completed and charge-sheet is filed. Perused the papers of investigation. It is the case of the prosecution that upon receipt of secret information on 28/11/2015, the police had been to Kadam Patil Petrol Pump near village Pilanwadi. They had found present applicants waiting in ambush and ready to commit an offence of decoity. The applicants were apprehended on the spot. They were armed with deadly weapons. That it was clear that they had made preparation for committing decoity and hence, they were taken into custody.

3 The learned APP submits that both the applicants have criminal antecedents of similar nature. There are offences registered against

both the applicants for offence punishable under Section 379 of the Indian Penal Code. It appears that they are habitual offenders.

4 The learned Counsel for the applicant submits that the applicants have been enlarged on bail in all other offences and therefore, the applicants deserve to be enlarged on bail in the present case also.

5 The said submission cannot be considered for the simple reason that at the time of granting bail, there is presumption that the accused would not involve in similar offence. However, there is breach of the trust imposed by the court and the accused had indulged into similar offences once again. It is necessary to consider the safety of society and hence, the applicants do not deserve to be enlarged on bail. The unfettered liberty of an individual especially habitual offender should be subject to safety of society besides law and order situation.

6 Both the applications being sans merits are rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)