

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 941 OF 2018

Wasim Anwar Pardeshi	Versus	...Applicant
The State of Maharashtra		...Respondent

Mr. Akram Kapoor, for the Applicant.
Smt. J. S. Lohokare, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 14th JUNE, 2018

PC:-

1. This is an application under Section 439 of Criminal Procedure Code for bail in CR No.226 of 2016 registered with Agripada Police Station, Mumbai, under Section 307, 323, 332, 353, 143, 144, 145, 147, 148, 149 of Indian Penal Code r/w Sections 37(1)(c)(g), 135 of Bombay Police Act.

Heard the learned Advocate for the applicant and the learned APP. Perused the record.

2. The record indicates that by Order dated 17th September, 2016, the applicant was directed to be released on bail by the Additional Sessions Judge, Gr. Mumbai, in

Bail Application No.1893 of 2016. After release from jail, the applicant indulged in commission of three other crimes bearing CR No.295 of 2016 under Sections 354, 354A, 509, 506-II, 323, 506 of Indian Penal Code; CR No.6 of 2017 under Sections 397 r/w 34 of Indian Penal Code and CR No.7 of 2017 under Section 397 r/w 34 of Indian Penal Code. Apart from the said fact the applicant did not comply with the conditions imposed upon him of attendance to the Agripada Police Station on stipulated dates. The prosecution therefore filed an application for cancellation of bail of the applicant which has been allowed by the Trial Court and the bail granted to the applicant in CR No.226 of 2016 has been cancelled by the impugned order dated 28th July, 2017.

3. The learned Counsel for the applicant submitted that the applicant has been acquitted from the CR No.6 of 2017 and 7 of 2017. He submitted that the applicant was arrested on 4th January, 2017 in CR No.6 of 2017 and therefore could not comply with the condition of attendance. He therefore he prayed that the applicant may be released on bail by setting aside the impugned order dated 28th July, 2017.

4. The record indicates that, apart from the facts mentioned above, the applicant was involved in 18 other crimes for a period ranging from 2003 till 2016. Thus, it is apparent that the applicant is a habitual offender. The learned Counsel for the applicant submitted that the applicant has been acquitted in many of the cases out of said 18 cases. Even if the said statement is accepted, it shows the fact that the applicant has propensity in indulging/committing cognizable and non-bailable offences without any interruption.

5. After taking into consideration the aforesaid facts, this Court is of the considered view that, the Trial Court has not committed any error either in law or in facts in passing the impugned order dated 28th July, 2018.

6. Application is accordingly rejected.

[A. S. GADKARI, J.]