

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

BAIL APPLICATION NO.1638 OF 2017

Rahul Mohan Bagul		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Aashish Satpute, appointed advocate for the applicant.
Ms. Veera Shinde, APP for the State.

Mr. N.B. Dhaygude, HC., Phaltan Police Station.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : 5th February, 2018

P.C.:

1 This is an application through Jail seeking enlargement on bail under Section 439 Cr.P.C. This Court has requested Mr. Aashish Satpute to espouse the cause of the applicant. He has graciously accepted the same.

2 Today, the learned counsel for the applicant submits that in the present case the charge is framed as long back as in February, 2013. However, there is no progress in the trial. It appears from the Roznama placed by the learned counsel for the applicant on record that some of the co-accused had filed miscellaneous applications, which are posted for hearing.

3 Upon perusal of the records, it appears that the applicant is a habitual offender. Learned counsel for the applicant submits that although the prosecution submits that the applicant had criminal antecedents, the applicant has been acquitted in Crime Nos. 123 of 2012 and 124 of 2012 by the Sessions Court. The applicant is enlarged on bail in Crime No.126 of 2012 and the trial in Crime No. 100 of 2012 is in progress.

4 Learned counsel for the applicant submits that the recovery under Section 27 Indian Penal Code has been foisted upon the applicant. As against this, the learned APP submits that it is not only a matter of recovery but the applicant has been identified by the witnesses. The involvement of the accused is apparent from the papers of investigation. Taking into consideration, the criminal antecedents against the applicant, it would not be possible to record a positive finding under Section 21 Sub-Clause (4) of the MCOC Act. Hence, the applicant does not deserve to be enlarged on bail. The application being sans-merits stands rejected. Learned counsel for the applicant has efficiently assisted the Court. Learned counsel is entitled to the provisional fees to the tune of Rs.1,500/-.

5 Office to communicate this order to the applicant in Jail.

(Smt. Sadhana S. Jadhav, J)