

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2449 OF 2017

Babu Kanani Devnath @ Baba	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Vipul Bajpayee, for the Applicant.
Mr. Ameet Palkar, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 11th JUNE, 2018

PC:-

1. This is an application under Section 439 of Criminal Procedure Code for bail in CR No.254 of 2016 registered with Kalyan Railway Police Station under Sections 420 r/w 34 of Indian Penal Code.
2. It is the prosecution case in brief that the applicant along with other accused persons by luring and making misrepresentation to the victim, who was a lady aged about 58 years, induced her to part with her ornaments which were on her person. The present crime was registered on 30th August, 2016 and the applicant was arrested on 31st

December, 2016. During the course of investigation a gold bar weighing 123 grams has been recovered at the instance of the applicant and after completion of investigation police have filed charge-sheet. The Investigating Officer Shri. S. P. Chavan attached to the Crime Branch (Railway), Mumbai, has filed an Affidavit dated 24th April, 2018. Apart from the facts pertaining to the present crime it is stated that, the applicant is also involved in five other crimes of similar nature by adopting similar modus operandi. Out of the said five cases four cases have been settled before Lok-adalat by the consent of the complainant. The applicant is on bail in Crime No.202 of 2016 registered with Kalyan Railway Police Station under Section 420 r/w 34 of Indian Penal Code. The record indicates that the applicant is habitual offender. The learned APP on instructions expressed an apprehension that if the accused is released on bail, he will again commit an offence of similar nature. There is substance in the same apprehension. In view thereof the applicant does not deserve to be released on bail.

3. The record indicates that the applicant was arrested on 31st December, 2016. The police have completed

investigation and filed charge-sheet. In view thereof, the learned Judicial Magistrate, First Class, Railway Court, Kalyan is hereby directed to expedite the trial arising out of CR No.254 of 2016 registered with Kalyan Railway Police Station and make an endeavour to conclude the same by conducting it on day to day basis and preferably within a period of six months from the date of receipt of the present Order.

4. Application is dismissed in aforesaid terms.

[A. S. GADKARI, J.]