

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

CRIMINAL BAIL APPLICATION NO. 3468 OF 2019

Parsuram Ganpati Peter ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Harshad A. Sathe, Advocate for the Applicant.
Ms. Sharmila Kaushik, APP for Respondent-State.
Manisha Kashid, A.P.I., Rabale M.I.D.C. Police
Station.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 13th JANUARY, 2020.

P.C.

Heard.

1. It is an application under Section 439 of Code of Criminal Procedure, 1973.

2. Applicant is seeking enlargement on bail in Crime no. 259 / 2019 registered with the Rabale M.I.D.C. Police Station for the alleged offences

punishable under Sections 354, 354A, 504, 506(2) of the Indian Penal Code, 1860 ('IPC' for short).

3. The offence punishable under Section 354 registered against the applicant is punishable with imprisonment for a term which may extend to 5 years, but shall not be less than 1 year; while the offence under Section 354-A(1)(i) is punishable with R.I. for a term which may extend up to 3 years or with fine or both.

4. Learned counsel for the applicant submits that he has been in jail since 22.09.2019; the investigation is over and in view of the quantum of punishment as stated herein above, he may be enlarge on bail. It is further submitted that applicant if granted bail, shall not live in the jurisdiction of the Rabale Police Station.

5. Learned APP countered this argument and placed on record the report of the Investigation

Officer, which shows 23 crimes that have registered against the applicant for the different offences punishable under the IPC since 2000. These offences relate to the property and body offences. As per say/report of Investigating Officer the externment proceedings were sought to be initiated, however the State was unable to serve the respondent and therefore, proceeding could not be concluded.

6. The learned APP has also brought to my notice observations made by the learned Sessions Judge while denying the bail to the applicant vide order dated 20.11.2019. The paragraph no.9 reads as under :

“I have carefully perused the say filed by IO. There appears 23 criminal cases (including present) are registered against the applicant. The offences such as house breaking, committing theft, causing hurt, assault, carrying prohibited arms, outraging modesty, robbery, offences under Bombay Police Act. It is apparent from the chart history of applicant/accused he is very active criminal involved in body as well as property offences. The first incident was reported in 2000 and since 19 years there

are 23 cases against him. It appears he has no fear of law and order. He takes the law in his hand just as a child plays with a toy. The said criminal conduct of the accused/applicant cannot be taken lightly and if he is released on bail he would definitely repeat a criminal offences and it will boost his daring to continue in committing the offences."

7. Learned counsel for the applicant in furtherance submitted that the applicant has been acquitted in the 12 cases of the said 23 cases.

8. In my view, acquittal of the applicant in 12 cases does not dilute the apprehension expressed by the learned Sessions Judge in paragraph no.9 of the order aforementioned. The materials on record, therefore, calls out the possibility of the applicant indulging into the crimes of a similar nature and the possibility of him tampering with the prosecution witness and other evidence. The prosecution has also recorded the statement of the complainant under Section 164 of the Cr.P.C.

9. In view of the materials put on record, though the offences registered against the applicant are punishable with an imprisonment for not more than 5 years (354) and also that the investigation in this case is over, in my view it is not a fit case to enlarge the applicant on bail. The application is rejected. Trial is expedited.

10. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of refusal to grant bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP. K. SHINDE, J.)_