

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.972 OF 2021

Umesh Harishchandra Gaikwad .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Ganesh Bhujbal for the Applicant.

Ms. A.A. Takalkar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 07TH JULY, 2021.

P.C:-

1. The Applicant is charge-sheeted in connection with C.R. No.1665 of 2020 registered with Swargate Police Station, invoking the provisions of Sections 399 and 402 of the IPC, Sections 4, 25 of the Arms Act and Sections 37(1), (3) and 135 of the Maharashtra Police Act. He seeks his release on bail in the said C.R. pursuant to rejection of his Bail Application, by the Additional Sessions Judge, Pune, on 01/02/2021 for the second time.

2. A complaint came to be lodged by the police constable on

06/11/2020, wherein he reported that while he was on patrolling duty along with other staff, he received secret information that 4 to 5 people, possessing weapons in their hands had assembled near a particular plot. On being tipped off, he along with his squad and two panch witnesses carried out a raid and caught all the five persons armed with deadly weapons. The Applicant came to be arrested on 07/11/2020.

3. During the hearing of the Application, the Investigating Officer placed on record a chart reflecting that the Applicant is involved in eight criminal cases in various police stations in Pune City, which reflects his involvement in similar offences under Section 399 of the IPC. The following is the list of the offences registered against him.

<u>Sr. Nos.</u>	<u>Crime Nos.</u>	<u>Under Sections</u>
1.	170/2013	399, 402 of IPC
2.	80/2017	379 r/w 34 of IPC
3.	79/2017	399, 402 of IPC
4.	79/2017	4/25 of Arms Act
5.	39/2017	380 of IPC
6.	672/2016	354A, 352, 504 of IPC
7.	362/2016	307 of IPC
8.	262/2018	399, 402 of IPC

4. The involvement of the Applicant in the aforesaid eight criminal cases and, particularly, similar type of previous offence, under Sections 399 and 402 of the IPC prompted the Additional

Sessions Judge to reject the Application. I am in complete agreement with the said reasoning. The Applicant has criminal background and he is indulging himself repeatedly from the year 2003 into similar types of offences, involving preparation to commit dacoity.

5. As far as the present crime is concerned, learned A.P.P. has placed on record, panchanama drawn on 06/11/2020 when the Applicant is nabbed and, he is found in possession of a scythe with length of 40 cm. along with three other accused persons, all armed with weapons. Sufficient material is compiled in the charge-sheet to charge him under Section 399 of the IPC. The Applicant is thus such a person with similar antecedents and considering his involvement in the present offence, he is not entitled to be released on bail. The Application is rejected.

[SMT. BHARATI DANGRE, J.]