

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4581 OF 2023****IN****CRIMINAL APPEAL NO. 386 OF 2019**

Rajkumar @ Rajkutti Tambi Devendra

.....Applicant

Vs.

State Of Maharashtra

.....Respondent

Dr. Yug Mohit Chaudhry a/w S.S. Borolkar and Adv. Anush Shetty for the Applicant.

Mr. Ajay Patil APP for the Respondent-State.

**CORAM : A. S. GADKARI AND  
SHYAM C. CHANDAK, JJ.**

**DATE : 1<sup>st</sup> APRIL, 2024.**

**P.C.:-**

1) This is an Application for suspension of sentence and enlarging the Applicant on bail in Sessions case No.226 of 2014 decided by the learned Sessions Judge, Greater Mumbai by its Judgment and Order dated 30<sup>th</sup> June, 2016.

2) Perusal of record clearly indicates that, the prosecution case is based on ocular evidence of four eye witnesses. There are recoveries at the instance of the Applicant which further corroborates the case of the prosecution. The trial Court has therefore rightly assessed the evidence and convicted the Applicant.

3) Apart from the aforestated facts, the learned APP submitted that, there are many antecedents at the discredit of the Applicant and he is also involved in two other crimes under Section 302 of the I.P.C.. The chart submitted by the learned APP depicted involvement of the Applicant in other serious offences. The same are mentioned here-in-below for the sake of brevity.

**A) Prohibitory Action**

- 1) Action under 110 of Cr.P.C. (Chapter Case No.20 of 2012, Ko. Ke.34/12)
- 2) 6 moths prohibitory order as per 150/C/13 dated 27.05.2011.

**B) Antop Hill Police Station.**

- 1) C.R.No.101 of 2009, under Sections 363, 366(A), 376 of the Indian Penal Code.
- 2) C.R.No.313 of 2009, under Sections 307, 324, 143, 147, 148, 149, 452, 427 of IPC read with Sections 4, 27 of Indian Arms Act and 37(1), 135 of the Mumbai Police Act.
- 3) C.R.No.169 of 2010, under Section 302 read with Section 34 of the Indian Penal Code.
- 4) C.R.No.117 of 2011, under Section 435 read with Section 34 of the Indian Penal Code.
- 5) C.R.No.255 of 2011, under Sections 353, 224 of the Indian Penal Code and under Section 142 of Mumbai Police Act.

- 6) C.R.No.175 of 2012, under Section 325 of the Indian Penal Code.
- 7) C.R.No.313 of 2013, under Section 302 read with Section 34 of the Indian Penal Code.

**C) WADALA T.T. Police Station.**

- 1) C.R.No.185 of 2009, under Sections 302, 324, 323 read with Section 34 of the Indian Penal Code.
  - 2) C.R.No.317 of 2010, under Section 435 read with Section 34 of the Indian Penal Code.
  - 3) C.R.No.278 of 2010, under Sections 324, 504 read with Section 34 of the Indian Penal Code.
  - 4) C.R.No.248 of 2011, under Section 142 of Mumbai Police Act.
- 4) It clearly appears to us that, the Applicant is having strong inclination towards the criminality and it is his source of livelihood. The prosecution has expressed a strong apprehension that, if released on bail, the Applicant will again indulge into criminal activity.

- 4.1) In view of the above Interim Application is dismissed.

**(SHYAM C. CHANDAK, J.)**

**(A.S. GADKARI, J.)**

SANJIV  
SHARNAPPA  
MASHALKAR

Digitally signed  
by SANJIV  
SHARNAPPA  
MASHALKAR  
Date: 2024.04.16  
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