

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) No. 803 of 2013

**Ravi Rajeshwar Durge Vs. State of Mah. through PSO, Durgapur P.S.,
Dist. Chandrapur**

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri R. P. Joshi, Advocate for the applicant
Shri A. K. Bangadkar, APP for the respondent

CORAM : PRASANNA. B. VARALE, J.

DATE : DECEMBER 23, 2013.

Heard.

The applicant is before this court seeking his enlargement on bail in connection with Crime No. 11/2013 registered at Durgapur Police Station, District Chandrapur for the offences punishable under Sections 302, 324, 452, 143, 147, 148, 149 read with Section 107 of IPC.

Shri Joshi, learned counsel for the applicant fairly submits that this is a second attempt for the applicant before this court seeking his enlargement on bail. In the first attempt, the applicant was before this court by filing Criminal Application (BA) No. 559/2013 and the application was rejected by this

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court. Mr. Joshi further submits that as there was some change in the circumstances, the applicant was before this court. Mr. Joshi then submits that this court referred to the material against the applicant in order passed by this court on 4-9-2013 in respect of the phone calls attributed to the applicant. Mr. Joshi submits that though the investigating agency collected the material, the material reflects otherwise, in a way that the details of the cell phone are not reflecting that it was a cell phone of the present applicant. Merely, because there are some call detail reports showing phone calls between some of the accused and the applicant and the cell phone as per the material collected by the investigating agency is of one Gopinath Meshram and as such on such material, the application ought not to have been rejected. In reply to the another ground raised viz. ailment of the applicant, Shri Joshi, the learned counsel submits that he has not pressed that ground.

On perusal of the order dated 4-9-2013 passed in Criminal Application (BA) No. 559/2013, it

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reveals that this court has referred the material against the applicant that the applicant was in constant touch with the main assailants on mobile phone. Needless to state that the fact reflected in a material was that the applicant was being in constant touch with the other accused on phone. Though it is not necessary that the applicant used his own cell phone, the material collected by the investigating agency show that the applicant used cell phone of one Gopinath Meshram, that by itself has no ground to show any indulgence in the present application on the ground raised by the applicant that there is change in circumstances.

Perusal of the order passed by this court further show that apart from that material, the applicant is having criminal antecedents at his credit. Though the learned counsel Shri Joshi submits that the nature of offences registered against the applicant are not the serious offences, this court, on considering that material i.e. criminal antecedents of the applicant, observed that the possibility cannot be

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ruled out on apprehension of the learned APP that the applicant may indulge himself in the activities of pressurizing the witnesses or tampering the prosecution witnesses on the backdrop of the fact that the applicant is having criminal antecedents at his credit. Thus, on these two grounds i.e. considering the merit in the material collected by the investigating agency coupled with the fact that a justified apprehension was expressed by the State on the backdrop of the criminal antecedent, the application was rejected. In my opinion, there is no reason to take a different view than the view which was already taken by this court on merits and as such, no indulgence at the hands of this court is required. In the result, the application being meritless, deserves to be rejected and the same is accordingly rejected.

JUDGE

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