

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 207 of 2015
[Ravi son of Manohar Patil Vs. State of Mah.]
AND
Criminal Application [BA] No. 179 of 2015
[Amol alias Pintu son of Raju Moon Vs. State of Mah.]

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

Court's or Judge's orders

Criminal Application No. 207/15 :

Mr. A.C. Jaltare, Adv., for the Applicant.
 Mr. P.V. Bhoyar, APP for respondent-State.

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Criminal Application No. 179/15 :

Mr. V.N. Bansod, Adv., for the Applicant.
 Mr. P.V. Bhoyar, APP for respondent-State.

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CORAM : A.B. CHAUDHARI, J.

DATE : 10th July, 2015.

Both these applicants have claimed a regular bail in these two applications in Crime No. 2 of 2014 registered at Police Station, Panchpaoli, Nagpur, on 1st January, 2014 for offences under Sections 302 and 201 of Indian Penal Code.

Charge-sheet has been filed by the prosecution in this case.

Heard learned counsel for the rival parties in both these applications.

Learned counsel for the applicants in both these cases argued that there is no evidence, much less direct evidence, against the applicants and, therefore, the applicants deserve to be enlarged on bail. They have invited my attention to the charge-sheet that has been filed before the Trial Judge. I have gone through the charge-sheet, so also the reply that is filed by the prosecution. Suffice it to say that it is not necessary for me to quote the evidence collected by the prosecution and incorporated in the charge-sheet. Para 7 of the reply filed by the prosecution in Criminal Application No. 179 of 2015 is quoted below:-

“7. As per said conspiracy, the present applicant brought the deceased on the spot of incident, at that time, Dinesh Chandrika Pure was watching the said act of the present applicant. Initially, Kamesh Mudliyar and other accused rushed to the spot and started assaulting to the deceased by means of fist and blows thereafter, Ajay Ukay hold the hands and head of the deceased, Kamlesh Mudliyar holds the legs of the deceased and thereafter the main accused Ravi gave several blows by means of deadly weapon of Khanjar and Gupti on the neck and abdomen of the deceased. As per post-mortem report, there are 10 stab wounds on neck, chest and over the abdomen of the deceased and due to this multiple stab wounds, the deceased is died on the spot. The main accused Ravi and co-accused Kamesh with an intention to destroy the

evidence, burnt their clothes at the terrace of the Ravi Patil. The Investigating Officer seized the said ash in presence of the Panchas. During the course of investigation, the Investigating Officer referred all the accused persons for medical examination, collected their blood samples, seized their clothes and other incriminating material also seized the motorcycle from accused Dinesh Chandrika Pure which is used in the commission of offence. Referred the said clothes and other incriminating material to the Forensic Laboratory."

The above paragraph clearly shows the evidence available against both these applicants. In my opinion, the above evidence is sufficient to deny grant of bail claimed by them.

There is another reason for rejecting the applications. In the case of Amol alias Pintu Raju Moon in Criminal Application No. 179 of 2015, following are his criminal antecedents as stated in para 9 of the prosecution's reply, which reads thus:-

"9. The present applicant is having criminal antecedent and there are 5 cases are registered against him Vice Crime Nos. 66/2006, 186/2006, 128/2006, 3096/2007 and 414/2007 at Jaripatka Police Station and all offences are of serious nature. The present applicant is also residing near the house of the deceased and if he released on bail, he will tamper with prosecution witnesses and creates hurdle in smooth trial of the said matter. After the entire investigation, the Investigating Officer filed charge-sheet on 20.3.2014 vide Charge-sheet No. 60/2014 which is now registered as Sessions Trial No. 189/2014."

In case of the applicant Ravi Manohar Patil [Criminal Application No. 207 of 2015], following are the criminal antecedents provided by the prosecution in paras 8 and 9 of its reply, which I quote below:-

“8. The present applicant is a habitual criminal and several offences are pending against him at Police Station, Jaripatka. The same are as under:-

Sr. No.	Police Station	Crime No.	Offence
1.	Police Station, Jaripatka	131/2001	394, 34, Indian Penal Code.
2.	Police Station, Jaripatka	3156/2003	294, 506 of Indian Penal Code.
3.	Police Station, Jaripatka.	25/2004	324, 34 of Indian Penal Code.
4.	Police Station, Jaripatka	3116/2007	295, 506 (B) of Indian Penal Code.
5.	Police Station, Jaripatka	3090/2011	323, 294, 506 (B) of Indian Penal Code.
6.	Police Station, Jaripatka	07/2012	307, 34 of Indian Penal Code.

The present applicant was extern for the period of one year from the area of Nagpur District.

9. As the present applicant is a habitual

criminal of the said locality and therefore he is having his terror in the locality and if he released on bail there is deep possibility of tampering of the prosecution witnesses and also there is danger of life to the said witnesses. If the present applicant is released on bail there will again create terror in the said locality and also there is possibility of similar type of offence which create hurdle in the smooth trial of the said matter.”

Thus, both the applicants are harmful for the society and should not be allowed to be freed till the trial is completed; else there is a strong likelihood of tampering with the prosecution evidence with their power. I am, therefore, not inclined to accept their plea for bail. Hence the following order:-

Criminal Application Nos. 207 and 179 both of 2015 are **rejected**.

Judge

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