

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2229 OF 2015

Dattaram Ramchandra Raut	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Abhimanyu R Pandey, Adv. for the applicant.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.26 of 2015 pending on the file of Additional Sessions Court, Ratnagiri for the offences punishable under Section 307 and 353 read with 34 of the IPC and 65(A) (E), 81, 83, 90 and 108 of the Maharashtra Prohibition Act.

2. Mr. Pandey, the learned counsel for the applicant submitted that the FIR does not prima facie disclose that the applicant is involved in committing offence punishable under Section 307 of the IPC. The learned counsel for the applicant has submitted that the applicant has been falsely implicated. He has submitted that the applicant is not involved in committing any offence and as such he is

entitled for bail.

3. Mr. Adsul, the learned APP has submitted that the applicant herein was travelling with the co-accused in Maruti car No.MH-08-1526. The learned APP has submitted that the co-accused had attempted to run over the excise officer when he had tried to intercept the vehicle. The learned APP therefore claims that the material on record prima facie indicates that both the accused had committed the act in furtherance of common intention.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that on 1st June, 2015 the applicant herein was travelling by Maruti Van bearing No.MH-08-1526 which was driven by the co-accused Pradeep Nigare. The said vehicle was proceeding from Goa towards Ratnagiri. The Excise Officer Pramod Kamble had tried to intercept the said vehicle at Hatiwali Phata. However, the driver of the said vehicle did not stop the vehicle and proceeded further. It is alleged that the Excise officer had chased the vehicle and attempted to stop the said vehicle at which time Pradeep Nigare the driver of the said van attempted to run over him. The

Excise officer eventually stopped the vehicle and upon search he seized illicit liquor worth Rs.4,40,400/- from the said vehicle.

5. The material on record prima facie indicates that the vehicle was driven by Pradeep Nigare and the applicant herein was travelling along with Pradeep. The FIR does not prima facie indicate that the applicant was involved in the offence under Section 307 or that he had committed any such act as to attract the provisions of Section 34 of the IPC. The other offences including the offence under Bombay Prohibition Act are bailable and are punishable with maximum punishment of 5 years. The applicant is in custody since last six months. The investigation is completed and the presence of the applicant is no longer required in custody. The applicant is a permanent resident of village Kharepatan, Tal. Kankawali, Dist. Sindhudurg and there is no possibility of the applicant absconding. The applicant has no criminal antecedents. Considering the above facts and circumstances, the applicant is entitled for bail.

6. Hence the application is allowed on the following terms and conditions.

- (i) The applicant shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount to the satisfaction of the Addl. Sessions Judge, Ratnagiri.
- (ii) The applicant shall appear before the Court on each and every date of hearing and as and when required by the Sessions Court.

(ANUJA PRABHUDESSAI, J.)