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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 170 OF 2016**

Pradeep Vishwanath Nigre

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.R. Pandey, for the Applicant

Ms.A.T.Javeri, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 35 of 2015, registered with the Rajapur Police Station, Ratnagiri, for the alleged offences punishable under Sections 307, 353, 34 of the Indian Penal Code and under Sections 65(a)(e), 81, 83, 90 and 108 of the Maharashtra Prohibition Act.
3. Learned Counsel for the applicant submitted that there are two

accused in the present case and that the other co-accused – Dattaram Ramchandra Raut has been enlarged on bail by this Court vide order dated 7th January, 2016, passed in Bail Application No.2229 of 2015.

4. The incident had taken place on 7th July, 2015. It is alleged that the present applicant along with co-accused was travelling in a Maruti Van bearing No.MH-08-1526. It is stated that the said vehicle was being driven by the present applicant. It is alleged that when the said vehicle was proceeding from Goa towards Ratnagiri, the Excise Officer - Pramod Kamble tried to intercept the said vehicle at Hatiwali Phata. It is alleged that the applicant who was driving the said vehicle did not stop and proceeded further, pursuant to which the Excise Officer chased the vehicle and attempted to stop the said vehicle. It is further alleged that the applicant who as driving the said vehicle attempted to run over the said vehicle on the Excise Officer – Pramod. It is alleged that the Excise Officer eventually stopped the vehicle and upon search, he seized illicit liquor worth Rs.4,40,400/- from the said vehicle.

5. Learned Counsel for the applicant submitted that the

investigation is complete and charge-sheet is filed. He submitted that the applicant has been in custody since 7th July, 2015. He submitted that the complainant had not received any grievance injuries and the nature of injuries are simple in nature i.e. tenderness on the foot. He submitted that there are no antecedents, qua the present applicant.

6. Learned APP states that she has no instructions. She submitted that the applicant attempted to run over the vehicle on the Excise Officer – Pramod, when he tried to intercept the said vehicle.

7. Perused the papers. Investigation is complete and charge-sheet is filed. The applicant has been in custody since 7th July, 2015. There are no antecedents, qua the present applicant. The applicant is a permanent resident of Kankavali, District - Sindhudurg and is not likely to abscond.

8. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The Applicant be enlarged on bail on furnishing P.R. Bond in

the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Additional 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 ;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

(v) An undertaking to the aforesaid clauses ii) to iv), shall be filed by the Applicant, in the Trial Court, within one after his release

(vi) If there is even a single breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of

the applicant's bail.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.