

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 283 of 2019

Bansi Narayan Kale

Vs.

State of Mah. Through P.S. Risod Dist. Washim.

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

Court's or Judge's orders

Mr. R.S. Kurekar, Advocate for applicant.
Mr. V.P. Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 20, 2019

The applicant herein has approached this Court for grant of bail in respect of offences registered against him and other accused persons as per FIR dated 11/11/2018. The applicant was arrested on 12/11/2018 and since then he is behind bars.

2. The prosecution case is that on 10/11/2018, the accused and co-accused persons created nuisance and caused damage to the property at the petrol pump and thereafter when the police sought to intervene the applicant and other co-accused persons damaged Government property and assaulted police personnel, including the complainant who is a Police Constable. Investigation was undertaken and chargesheet was filed on 10/1/2019. The applicant and the co-accused persons have been charged with offences under

Sections 323, 332, 336, 427, 143, 147 and 149 of the Indian Penal Code, as also the provisions of the Prevention of Damage to Public Properties Act, 1984.

3. It is contended on behalf of the applicant that he has been behind the bars since 12/11/2018 and since the investigation is complete and chargesheet has been filed, no purpose would be served by keeping the applicant in custody.

4. It is contended that the applicant is ready to abide by the conditions that may be imposed by this Court for grant of bail.

5. On the other hand, the learned APP has strongly opposed for grant of bail to the applicant in the present matter. The learned APP has invited attention of this Court to the fact that the applicant is habitual offender and that he has criminal antecedents. It is pointed out that on three earlier occasions also the applicant had committed similar offences and even graver offences. It is pointed out that the applicant had been accused of making preparation for dacoity.

6. A perusal of the material on record shows that in the present case the allegation against the applicant is that he along with co-accused persons assaulted police personnel and caused damage to public as well as private property. It is found that the

applicant has criminal antecedents and that he has been engaging in similar activities in the past also. The nature of the offences that have been registered against the applicant on several occasions indicates that the applicant is in the habit of creating nuisance and damaging public property as well as private property, apart from assaulting public servants.

7. This Court is of the opinion that the applicant does not deserve to be enlarged on bail. But in the facts and circumstances of the present case a direction can be given to the Trial Court to expedite the proceedings.

8. Accordingly, application is dismissed.

9. The Trial Court is directed to complete the trial proceedings expeditiously and to render Judgment in the present case within a period of six months from today.

JUDGE