

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

CRIMINAL APPLICATION (ABA) NO.563/2019

Nilesh s/o Maroti Tikle

..VS..

State of Mah., thr. its Police Station Officer, Police Station Chamorshi,
District Gadchiroli

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

Court's or Judge's Order

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Shri R.R.Vyas, Counsel for the Applicant.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : SEPTEMBER 11, 2019.

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.142/2019 registered with Chamorshi Police Station, District Gadchiroli for offences under Sections 307, 353, 332, 427 read with Section 34 of the Indian Penal Code and under Section 3 of the Prevention of Damage to Public Property Act, 1984.
2. Heard learned counsel Shri R.R.Vyas for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the State.
3. After hearing, learned counsel for the applicant submitted that he wishes to withdraw the present criminal application.
4. Normally, the Court grants permission to withdraw applications, however it is not case wherein the

Court should even permit the applicant to withdraw the bail application. The application will have to be decided on its own merits.

5. According to learned counsel for the applicant, the applicant was only co-passenger in vehicle. He was not driving vehicle and co-accused Pintoo who was driving vehicle gave dash to barricades, resulting into injuries to police personnel. He, therefore, submitted that the applicant be released on pre-arrest bail.

6. As per reply, Shri R.M.Damare, Sub Inspector, State Excise Department, Gadchiroli, received a secret information about transportation of illicit liquor.

7. Here, it is to be observed that district Gadchiroli is a dry district and in the said district transportation and possession of liquor is prohibited.

8. Said Shri Damare, after receiving the secret information, deputed police constable Someshwar Gaware and one Vilas Mahakulkar at mouza Talodhi and Nakabandi was effected with the help of forest officers Mankar and Naitam. At about 1:00 a.m., on 14.6.2019, as per prior information, silver colour Swift Dzire came and when the police personnel signaled it to stop, instead of stopping the car driver raised speed and gave a dash to barricades, resulting into injury on the head of police constable Someshwar. Said Someshwar was referred to General Hospital at Gadchiroli. After the crime was registered, during investigation statement of Vilas was recorded. His statement clearly shows presence of the present applicant in

the car.

9. The applicant could not offer any explanation as to how and under what circumstances he was accompanied by driver of the car which gave a dash and the car was containing contraband.

10. Learned Additional Public Prosecutor Shri J.Y.Ghurde for the State, disclosed in the reply that about 9 cases under the Maharashtra Prohibition Act are registered against the present applicant for illegally transporting and possessing liquor. The said shows that the applicant is a repeater. The applicant was bound to give direction to driver to stop the vehicle when it was noticed that police personnel are signaling to stop the vehicle.

11. Looking to facts that the applicant is having criminal antecedents at his discredit, he shown scant respect to the law, and also tried to take law in hands by assaulting the police personnel, in my view, this is not a case wherein any Court should exercise its discretion in favour of such persons.

12. In this view of the matter, the criminal application is rejected and disposed of accordingly.

13. *Interim* order passed by this Court (Coram : Manish Pitale, J.) on 13.8.2019 stands vacated.

JUDGE

!! BRW !!

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