

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

CRIMINAL APPLICATION (ABA) NO. 746 OF 2019

Nitin alias Tarun s/o Nirmal Dhamgaye .Vs. State of Maharashtra, PSO, P.S.
Purada, Dist. Gadchiroli.

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

Mr. A.C. Jaltare, Advocate for applicant.

Mr. P.S. Tembhare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 11, 2019

Heard Mr. Jaltare, learned counsel for the applicant and Mr. Tembhare, learned Additional Public Prosecutor for the non applicant-State.

The applicant is apprehending his arrest in connection with Crime No.33/2019 registered with Police Station, Purada, Dist. Gadchiroli for an offence punishable under Sections 65(e), 98 and 83 of the Maharashtra Prohibition Act, 1949 and under Sections 307, 353, 143, 147, 506 and 109 of the Indian Penal Code and under Section 184 of the Motor Vehicles Act.

Since applicant was under apprehension that he will be placed behind the bars, approached before the Court below by filing an application under Section 438 of the Code of Criminal Procedure. The said application was registered as Criminal Application No.538/2019 along with said application the applicant also filed an application for interim anticipatory bail pending the application. From the submission made by the learned counsel for the applicant

before the Court and also averments made in the application, the application for interim anticipatory bail was rejected on 28.10.2019.

Though the application for interim anticipatory bail rejected by the learned Judge of the Court below the main application which was registered as Criminal Application No.538/2019 is still pending on the file of the learned Judge of the Court below.

The learned Additional Public Prosecutor for the State filed detailed reply before this Court opposing the application. The reply shows that three offences are registered against the present applicant. The nature of the accusations made against the applicant in the present crime are also very serious inasmuch when the police machinery was discharging their duties on the scene of crime at that time the present applicant and other co-accused persons tried to assault on the police party. Since the main application for bail is still pending before the learned trial Court this Court is not elaborating the further prosecution case since it will cause prejudice to the case of the applicant before the Court below. So in my view this is not a case wherein this Court can exercise any discretion in favour of the applicant.

The criminal application is rejected.

JUDGE

srwagh