

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

CRIMINAL APPLICATION (BA) NO. 1030 OF 2019

Aniket s/o Krishnarao Salve .Vs. State of Maharashtra, PSO, PS.
Ganeshpeth, Dist. Nagpur.

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

Mr. L.B. Khergade, Advocate for applicant.
Mr. P.S. Tembhare, A.P.P. for non applicant-State.

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

At the outset Mr. Khergade, learned counsel for the applicant submits that this is a second bail application. The first bail application i.e. Criminal Application (BA) No.145/2019 was rejected by this Court (Coram : M. G. Giratkar, J.) on 12.03.2019.

The learned counsel for the applicant submits that at the time of earlier bail application before this Court the counsel for the applicant was not aware of filing of Claim Petition No.541/2019 before the learned Chairman of Motor Accident Claims Tribunal, Nagpur for grant of compensation under Section 166 of the Motor Vehicles Act. He, therefore, submits that present application needs consideration.

The deceased is Kum. Mayuri d/o Tarun Hinganekar, who was working as Sales Person in Kent RO Company. The present crime was registered on the basis of report lodged by Akshay Nagardhane with Police Station, Ganeshpeth, Nagpur which culminated into registration of the crime vide Crime No.408/2019 for an offence punishable

under Sections 279, 337, 304A of the Indian Penal Code and under Sections 184 and 3/181 of the Motor Vehicles Act.

The investigation is over and the charge-sheet is already filed.

From the order of this Court rejecting the earlier bail application it is clear that the prosecuting agency is in possession of electronic evidence i.e. CCTV footage. In the said evidence it is seen that present applicant chased the two wheeler of the complainant on which the deceased was a rider. During the investigation it is revealed that the applicant was in love with deceased however to the one sided love, at no point of time the deceased responded. The CCTV footage shows that the present applicant who was driving a car chased the motorcycle with an intention to kill the deceased who was not responding to his love resulting into death of Mayuri.

Merely because an application under Section 166 of the Motor Vehicles Act is filed that does not absolve that the applicant is free from his criminal liability. The learned Chairman of the Claims Tribunal will decide the application in accordance with law. However, there is clear cut evidence against the present applicant in the present crime and his first bail application is already rejected. In that view of the matter, even without issuing notice in this application, the criminal application is rejected.

JUDGE