

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

Criminal Application (BA) No. 749 of 2020

*[Laxmikant @ Chotu Kishorechand Rai Vs. The State of Maharashtra through PS.O., PS. Wani,
Dist Kelapur, Yavatmal]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Mir Nagman Ali, Advocate for the applicant
Shri H. D. Dubey, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 22/09/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Mir Nagman Ali for the applicant.

3. This is a second bail application filed by the applicant Laxmikant @ Chotu Kishorechand Rai who was arrested for the offences punishable under Sections 302, 326, 143, 147, 148 and 149 of the Indian Penal Code in Crime No. 302/2018 registered by Police Station, Wani.

4. Learned Advocate Shri Ali has pointed out the order passed by this Court on 11-12-2018 and submitted that earlier bail application was withdrawn. This Court has directed the trial Court to expedite the trial. He has submitted that the evidence of prosecution witnesses not yet commenced and there is every possibility of prolonging the trial.

5. The application is strongly objected by learned Additional Public Prosecutor Shri Dubey for the State/non-applicant. He has submitted that the applicant is one of the main accused who has played active role in commission of crime. Therefore, the application is liable to be rejected.

6. Eye witnesses of the incident have stated in their statements that they have seen the present accused along with other accused committing the murder of Ashok Detha. As per the statements of eye witnesses, the applicant had played active role in commission of crime.

7. Learned trial Court while passing order dated 27-4-2020 observed that “as soon as the lock-down is lifted and regular functioning of court starts, the trial will be expedited and will be completed at earliest.”

8. Looking to the statements of eye witnesses, the applicant is not entitled for bail. Hence, the application is rejected.

JUDGE

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