

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 591 of 2020)

[Nilesh s/o Maroti Tikle Vs. State of Maharashtra through P.S.O., Chamorshi, Dist. Gadchiroli]

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

Court's or Judge's Order

Shri S. G. Karmarkar, Advocate for the applicant
Mrs. S. S. Jachak, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 30/07/2020

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

2. Heard learned Advocate Shri Karmarkar for the applicant. He has submitted that the applicant was not driving the vehicle. There was no recovery of car from the applicant. Therefore, the applicant is entitled for bail.

3. Heard Mrs. Jachak, learned Additional Public Prosecutor for the State. She has strongly objected the application.

4. As per the report, on 14-6-2019 at about 1.00 Hr., one suspected four wheeler was tried to stop by police persons. The said vehicle was stopped. The driver of the said vehicle accelerated the speed and dashed to the barricade and ran away. One of the police Someshwar Gaware sustained injuries. On the report, offences punishable under Sections 307, 353, 332, 427 read with Section 34 of the Indian Penal Code and Section 3 of the

Prevention of Damage to Public Property Act are registered against the applicant.

5. Learned Advocate for the applicant has submitted that the applicant was not driving the vehicle, therefore, he had no intention to kill the injured. Therefore, he is entitled for bail.

6. As per the crime chart filed along with reply, it appears that the applicant is doing the business of selling illicit liquor. On the day of incident, that vehicle was loaded with liquor. The applicant was sitting by the side of the driver. He was well aware that the vehicle was loaded with liquor and police would seize the liquor, therefore, they tried to kill one of the police. Earlier, the applicant moved bail application viz. Criminal Application (BA) No. 13/2020. When the Court was about to dismiss the application, the application was withdrawn. Nothing change is pointed out after order dated 3-2-2020 was passed by this Court. Hence, the applicant is not entitled for bail. In the result, the application is rejected.

7. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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