

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

CRIMINAL APPLICATION (ABA) NO. 416 OF 2022

Akash Radheshyam Nandanwar **Versus** State of Maharashtra, thr. PSO., P.S. Ramtek, Nagpur.

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

Court's or Judge's Order

Shri B.L. Borikar, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 12/07/2022.

1. The applicant is seeking pre-arrest bail in Crime No.302 of 2022, registered with Police Station, Ramtek, District Nagpur (Rural), for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code, 1860.

2. Shri B.L. Borikar, learned counsel for the applicant submits that he has made a representation to the Police making a complaint that the complainant is doing a business of illicit liquor and the present FIR is the outcome of the same. Thus, he submits that the applicant has been falsely implicated in the present offence.

3. Learned counsel for the applicant further submits that the applicant is a student and taking education and considering the said fact, he may be released on pre-arrest bail.

4. On the other hand, learned APP, Ms Shamsi Haider, strongly opposes the present application and points out from the Case-Diary, that there are eye-witnesses to the alleged incidents and further the injury report corroborates the case of the prosecution. She further points out that custodial interrogation of the applicant is necessary in this case. Accordingly, she prays for rejection of the present application.

5. I have perused the Case-diary, Application and Reply filed by the State.

6. There is nothing to point out that any representation was made by the applicant to the police making any complaint against the complainant that he is doing a business of illicit liquor. Thus, it cannot be said that the present FIR is the outcome of any such representation or complaint made by the applicant.

7. Furthermore, considering the injury report and the statements of eye-witnesses, who are the independent witnesses to the incident, recorded by the investigating officer during the investigation, there is *prima-facie* sufficient incriminating material available against the applicant.

8. In that view of the matter, as the custodial interrogation of the applicant is necessary and considering

the seriousness of the offence, I am not inclined to confirm the *ad-interim* bail granted to the applicant vide order dated 21/06/2022. Hence, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]