

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

...

CRIMINAL APPLICATION (BA) NO. 16/2023

Raju Bajirao Raut
versus

.. Applicant

The State of Maharashtra
Th: Its PSO PS Gadgenagar, Amravati

.. Respondent

.....
Mr.A.S. Londhe, Advocate for the applicant
Mr. V.A. Thakre, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 13th February, 2023.

PC:

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested on 15.08.2022 in Crime No.918/2022 for the offences punishable u/ss. 353, 307 r/w. sec.34 of the Indian Penal Code and Sections 3, 25 of the Arms Act.

2. Briefly stated, the case of the prosecution is that the applicant is a notorious person in as much as there are in all 44 criminal cases registered against him at various Police Stations. The Police was in his search in Crime No.228/2022 registered with Dabki Road Police Station Akola for offences u/ss. 457 and 380 of the IPC. The Investigating Officer, who is a Police Officer from Local Crime Branch Akola, reliably learnt that the applicant is hiding himself in Amravati within the jurisdiction of Gadgenagar Police Station. The P.I. of Local Crime Branch office along with his staff were all set to arrest him, when the applicant has allegedly noticed that the police are following him and in an attempt to flee away, the applicant along with co-accused boarded

a car. The learned APP submits that the applicant and co-accused drove the car towards the P.I. in an attempt to eliminate him, however the car dashed with the electric pole.

3. The learned Advocate for the applicant submits that the co-accused has been released on bail and police officials were not in uniform. It is thus argued that the applicant was not aware that the police party was behind him. This argument will be of no help to the applicant who faces 44 criminal cases. Furthermore, the Local Crime police officials usually are not bound to wear uniform. In any case, that cannot be a ground for the applicant to show pistol at someone and give a dash.

4. So far as evidence is concerned, apart from the police witnesses, there are some eye witnesses to the incident. The accusation against the applicant is serious in nature. He has allegedly committed present crime when on bail in another crime. The applicant possesses criminal antecedents. He appears to be notorious person. He, therefore, is not entitled to be released on bail. In conclusion, the Application is rejected.

[ANIL L. PANSARE, J.]

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