



**Order Below Exh.03**  
**(In Session Case No.175/2023)**

1. Application is filed by accused for bail.
2. Say of Prosecution, investigating officer & victim was called upon.
3. Investigating officer has filed say at Exh.05. Ld. Addl. P.P. has adopted say of Investigation Officer. Notice is not served upon informant.
4. Heard Ld. Adv. Mr. Saurabh Bhutala for accused and Ld. Addl. P.P. Smt. D. R. Patil for the State of Maharashtra.
5. Ld. Advocate for accused submitted that accused is falsely implicated. No one is injured. Nothing is recovered from the accused. Accused was arrested on next day of incident & police have not clarified as to why he was not arrested on day of incident. In mechanical inspection report, there is no damage to dumper. If really accused had damaged the vehicles & wall of society, then his dumper would have damaged. He is behind bars for 5 to 6 months and he is ready to abide by the conditions, if any, imposed.
6. Ld. Addl. P.P. submitted that accused with intention has committed the offence. There are eye witnesses to the incident & some of them have made video shooting. Accused was not paying any heed to police therefore; two bullets were fired on tyre of dumper. Accused has damaged wall of



society, some vehicles & police chowki. Dumper is so strong so that it would not sustain any damage to it.

7. Perused record. Points for determination along with my findings thereon are as follows:

| Sr. No. | Points                                                                  | Findings                 |
|---------|-------------------------------------------------------------------------|--------------------------|
| 1       | Considering material on record whether accused can be released on bail? | No.                      |
| 2       | What order?                                                             | Application is rejected. |

**:: REASONS ::**

**As To Point No.1**

8. FIR shows that on 31 May 2023, in the midnight police received a call that one dumper has given dash to gate of society therefore, police reached there. When they reached, they saw that one dumper is coming out from the gate of society and its driver was driving it dangerously. They saw that accused was driving that dumper. Then that dumper smashed one Wagon-R car which car hit on another car and as a result, both vehicles damaged substantially. When police attempted to stop the dumper, accused tried to run that dumper over the person of police.
9. FIR further shows that thereafter, accused drove that dumper towards Kharkopar Railway Station. Police were following it. That dumper then took U-turn in middle of road & while proceeding in opposite direction, accused hit one motorcyclist. Then again accused took U turn and proceeded towards Railway station. Meantime, police were following it



& they called for help from police station. Then accused drove his dumper towards Ulwe Police chowki. Police who were following dumper, overtook it and reached at police chowki. They attempted to stop it but accused tried to rush it over their person but they somehow escaped.

10. FIR further shows that then accused smashed one police car near police chowki. Then he damaged container in which police chowki was established. Due to dash of dumper, container was pressed inside and A.C. compressor of chowki was damaged. Then Accused damaged, motorcycle of one police staff & one person who had been in the police chowki. That time other police persons reached for help & that time from there accused drove his dumper at some unknown place, so they could not find it. After some time, accused again came at police chowki driving the said dumper and again gave dash to police chowki. Thereafter, he smashed car of one PSI which was standing near the police chowki. Thereafter, accused ran away with the dumper.
11. Documents placed on record shows that accused has damaged compound wall of Balaji Darshan Co-Operative Housing Society. That society has given written complaint to police about the act of accused. Statements of witnesses shows that on day of incident, accused was driving the vehicle so rashly & dangerously by endangering life & personal safety of others. Material on record shows that Accused has smashed vehicles and has caused damaged to police chowki intentionally.



12. If contention of Ld. Advocate for accused that no one is injured in offence is considered then for applying section 307 of IPC injury is not always mandatory. Intention or knowledge of any act which is likely to cause death is sufficient. Statements of witnesses are sufficient to infer that accused was driving his dumper with such intention. Act of accused was not accidental but it was intentional act.
13. So far as argument of Ld. Advocate for accused on point of mechanical report is considered then no doubt, in mechanical inspection report it is shown that no damage is caused to dumper but if seizure panchnama of dumper is considered then that panchnama reflects the damage which is caused to dumper. If body & structure of dumper is considered then it is strongly built and generally in cases of accident such heavy vehicles will not get damaged severely except some wear & tear.
14. Documents & statements of witnesses shows that two bullets were fired on tyre of dumper as accused was driving it dangerously. This action on part of police is sufficient to show the gravity and seriousness of the offence. Apart from this as per Prosecution, other four offences are registered against present accused & he is repetitively committing the crime.
15. No doubt, only on ground that some offences are registered against the accused, his bail application cannot be rejected but while considering bail application, it is incumbent upon the Court to consider the gravity & nature of the offence



apart from other parameters. If present act of accused is considered then it becomes clear that he is repeating the offences which shows that he has no fear of law. If accused is released on bail, then there is no guarantee that he will not repeat commission of offences. Accused may further create threat to person & property of others. Considering facts & nature of offence, I am of the view that there is sufficient material against accused which highlights seriousness of offence, therefore, I am not inclined to grant the bail. As a result, I pass following order.

**:: ORDER ::**

1. Application is rejected.
2. Accused be informed through E-mail about rejection of his bail application.

Sd/-

Panvel,  
Dated :-28/12/2023

(S. C. Shinde)  
Addl. Sessions Judge  
Panvel, Dist.-Raigad