

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3124 OF 2015

The State of Maharashtra & Ors.

.... **APPLICANTS**

V E R S U S

Govind Vithalrao Paulkar Mali

.... **RESPONDENT**

.....

Mrs. Pratibha Bharad, Advocate for Applicant – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 27th JULY, 2015

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PER COURT :

1. This is an application filed on behalf of State u/s 439 (2) of the Code of Criminal Procedure for cancellation of bail granted by the learned Additional Sessions Judge, Nilanga on 05/03/2015 in Misc. Application No. 2/2012, whereby the learned trial Court released the respondent on bail in connection with Crime No.92/2014 registered with Shirur Anantpal police station, Dist. Latur for the offences punishable u/s 302 read with 34 of the Indian Penal Code.

2. Heard Mrs. Pratibha Bharad, learned A.P.P. for the applicant – State in extenso.

3. Dead body of Janak Bayaji Hajare was found in the field of Venkat Balan Hajare. According to the prosecution, murder was committed in the intervening night between 25/11/2014 and 26/11/2014.

4. On 26/11/2014, Datta, son of the deceased, lodged report against unknown persons. During investigation, it was revealed that the deceased was having illicit relation with one widow in the village. There is no eye witness in the prosecution case. According to the learned A.P.P., respondent was seen lastly in the company of the deceased. Last seen itself can not be an incriminating circumstance, unless having some other corroboration.

5. Applicant was arrested on 16/12/2014. During his police custody remand, nothing was recovered at his instance. Prosecution is claiming that blood stained clothes of the present respondent were found lying 1 Km. away from the spot. Learned trial Court, in my view, has correctly evaluated the prosecution case and has exercised discretion in favour of the respondent to release him on bail warranting no interference.

6. In that view of the matter, present Criminal Application is rejected.

[V.M.DESHPANDE, J.]