

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 135 of 2015
IN
Criminal Appeal No. 77 of 2015
[Shankar Ramesh Shivarkar Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. Anuj Hazare, Adv., for the applicant-appellant.
Mr. V.A. Thakre, APP for respondent.

**CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.**

DATE : 26th March, 2015.

Heard learned counsel for the rival parties.
Perused the evidence of the eye-witness Umesh Channekar [PW 13]. We find in para 37 of its Judgment, Trial Court has recorded a finding that the evidence of PW 13 - Umesh is not trustworthy because it is full of omissions and further that his evidence itself shows that he has not seen the actual assault.

The next evidence pointed out by Mr. Thakre, learned APP, is matching of Blood Group A on the clothes of the person of deceased and the accused.

Prima facie, we find, therefore, that this is a fit case for granting bail, pending decision of the appeal.

Hence the following order:-

ORDER

- [a]** Criminal Application No. 135 of 2015 is allowed.
- [b]** The sentence is suspended.
- [c]** Appellant be released on bail upon furnishing a Personal Bond in a sum of Rs. 25,000/- [rupees twenty-five thousand only] with one surety in the like amount.
- [d]** Appellant shall report to Warora Police Station on last Sunday of every month between 11.00 a.m., and 4.00 p.m., and shall not disturb the prosecution witnesses.

Judge

Judge

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