

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

CRIMINAL APPLICATION (BA) NO.329/2015

Avinash s/o Wasudeo Choudhary ..vs.. State of Maharashtra, thr.PSO P.S.Warora, Dist.
Chandrapur

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

Court's or Judge's orders.

Mr. C. J. Jaltare, Advocate for applicant.
Mr. Bangadkar, A.P.P. for non applicant-State

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 6, 2015.

Heard learned counsel for the parties. Perused the charge-sheet.

There is no evidence of last seen theory apart from the fact that there is no availability of direct evidence. The only evidence relied upon by the prosecution is mobile chip containing conversation between the two accused persons about the incident in the form of confession. The learned A.P.P. states that there is no other evidence except the confession on the said mobile chip. Since the said evidence is sealed and cannot be tampered, I think following order would subserve the ends of justice.

ORDER

- (i) Criminal Application (BA) No.329/2015 is allowed.
- (ii) Applicant-Avinash Wasudeo Choudhary is

directed to be released on bail in Crime No.120/2014 for an offence punishable under Sections 302, 201, 364 and 120-B of the Indian Penal Code, registered with Police Station Warora, Dist. Chandrapur on his executing PR Bond in the sum of Rs.20,000/- with one surety in the like amount.

(iii) The applicant shall not enter Warora town and during pendency of the trial he shall stay at Wani, Dist. Yavatmal.

(iv) The applicant shall attend Police Station Wani, Dist. Yavatmal on every Sunday between 10.00 am and 04.00 p.m. and shall cooperate with the Investigating Officer during investigation.

(iv) The applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

JUDGE

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