

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO. 557 /2015

(Satpal s/o Ganesh Hadale vs. State of Maharashtra)

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

Court's or Judge's order

.....
Mr. R.M. Patwardhan, Advocate for applicant
Mr. S.S.doifode, APP for respondent

CORAM: A.B.CHAUDHARI, J.

DATED : 26th November, 2015.

Heard learned counsel for the rival parties.

Paragraph No. 5 of the reply filed on behalf of
the respondent-State, reads thus:

“It is submitted that the name of the applicant is not figured in the First Information Report as well as in the statement of the witnesses recorded by the prosecution during investigation. However, the Investigating Officer recorded the statement of one Sumit Bhadele, who stated that the accused persons including the applicant hatched the conspiracy before the incident adjacent to his house. The applicant also instigated the other accused persons for killing the deceased.”

I have seen the statement of Sumit Badhele.

Only general statements about the presence of the applicant are made.

Shri S.S. Doiphode, learned A.P.P. states that the charge-sheet has already been filed against the accused and the applicant has been shown as absconding. Be that as it may, the fact remains that the prosecution itself does not have any evidence against the applicant, about his culpability. There is no point in getting the applicant arrested against whom there is no semblance of evidence. Hence the following order:

ORDER

In the event of arrest of the applicant, in respect of Crime No. 174/2014 for offence punishable under sections 143, 147, 148, 149, 307, 302, 120-B of the I.P.C. r/ws. 4 and 25 of the Arms Act, registered at Ramdaspath Police Station, Dist. Akola, he be released on bail on his furnishing a P.R. bond in the sum of Rs. 20,000/-(rupees twenty thousand) with one surety in the like amount, with further condition that he shall not tamper with the prosecution evidence and shall cooperate with the Investigating officer as and when called for.

Application stands disposed of.

JUDGE

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