

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

Criminal Application [BA] No.462 of 2016

(Pravin s/o Sadashiv Modok

vs.

State of Maharashtra, through its P.S.O. Ballarshah, District Chandrapur)

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

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Court's or Judge's Orders

Shri R.M. Daga, Advocate for the Applicant.

Mrs. Mayuri Deshmukh, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.

DATE : 5th JULY, 2016.

Heard the learned Counsel of the applicant and the
learned A.P.P. for the State.

This application is being prosecuted for the offences
punishable under Section 363, 364, 120-B, 302 and 201 read
with Section 34 of the Indian Penal Code. He is one amongst
four accused in all.

This application has been strongly opposed by the
learned A.P.P. contending that the evidence available against the
applicant is that the applicant is being lastly seen in the company
of the deceased. The learned Counsel for the applicant submits
that it is the statement of some of the witnesses regarding they
having seen the applicant with the deceased, but there is no
other evidence to complete *prima facie* the chain of the
circumstances.

On going through the charge-sheet, I find there is substance in the argument of the learned Counsel for the applicant. Except that the applicant having been lastly seen in the company of the deceased, there is no other evidence to point *prima facie* an accusatory finger towards the present applicant. Nothing has been discovered at this instance of the present applicant under Section 27 of the Evidence Act. There may be an offence previously registered against the applicant, but when the evidence available against the present applicant in this case is insufficient, I do not think that the applicant could be denied the relief of enlargement on bail solely on the ground that previously another offence was registered against him.

In the circumstances, I am inclined to grant bail to the applicant. In the result, the following order is passed :

1. The application is allowed.
2. It is directed that the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like sum on the conditions that the applicant shall attend the Court dates regularly, shall co-operate with the trial Court in expeditious disposal of the case and shall not tamper with the prosecution witnesses.
3. The application is disposed of as such.

JUDGE