

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

CRIMINAL APPLICATION (BA) NO. 498 OF 2016

(Manoj Dyaneshwar There Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri R. M. Daga, Advocate for the applicant.
Smt. M. H. Deshmukh, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 15 JULY, 2016

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

This application has been opposed by the
learned A.P.P. contending that there is a confessional
statement given by this applicant to the police. However,
having regard to the law settled by the Hon'ble Apex Court
way back in the year 1966 in the case of Aghnoo Nagesia
Vs. State of Bihar – AIR 1966 SC 119, which has been also
followed by the learned Single Judge of this Court while
granting bail to the applicant in Criminal Application (BA)
No. 117 of 2015 (*Kailash Baban Dhatkar Vs. The State of
Maharashtra*), I am of the view that the confessional
statement to the police officer, insofar as it contains an
inculpatory part, cannot be considered as going against the
applicant, although its exculpatory part can be considered
under Section 8 of the Indian Evidence Act. So, it would

have to be examined as to whether or not there are any circumstances in addition to the conduct of the applicant to prima facie indicate his involvement in the offence.

At this stage, learned A.P.P. for the State could not show to me any such other circumstances incriminating the applicant. She submits that at the time of her death, the wife of the applicant was discovered to be carrying pregnancy. This fact has not been disputed. But, this fact, by itself, would not be sufficient to deny the relief of bail to the present applicant. Then, there is no possibility of the applicant thwarting the course of justice as the applicant himself went to the police station and lodged the report. In the circumstances, I am inclined to grant this application.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P. R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount on the conditions that the applicant shall regularly attend the Court on the dates fixed in the matter, shall cooperate with the Court for expeditious trial and shall not tamper with the prosecution witnesses.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : W.W. Lichade, P.A.

Uploaded on : 18/7/2016