

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

CRIMINAL APPLICATION (APPA) NO. 433 OF 2016
IN
CRIMINAL APPEAL NO. 150 OF 2016

(Ravi s/o Durgraj Kankuntlawar vs. State of Maharashtra thr. PSO, Ramnagar, Chandrapur)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.
DECEMBER 14, 2016.**

Heard Shri Anjan De, learned counsel for the applicant/ appellant, M.J. Khan, learned APP for the respondent. Shri A.S. Ambatkar, Advocate appears for brother of the victim.

2. It appears that emergence of second motorcycle after alleged Section 27 Evidence Act discovery throws serious doubt about prosecution story. In this view of the matter, we have prima facie looked into the other material. Except for the alleged last seen theory, the prosecution could not explain role of present applicant. Alleged weapon was purchased by one Pappu Nishad, who was accused No. 2 and trial against him was required to be separated.

3. Shri De, learned counsel has seriously attempted to urge that existence of Pappu Nishad is not proved by the prosecution.

4. We find that the present applicant/ appellant is acquitted of offence punishable under Section 120-B of Indian Penal Code.

5. In this situation, the applicant/ appellant is directed to be released on bail on his furnishing two solvent sureties in the sum of Rs.50,000/- (Rs. Fifty thousand only) and an undertaking to remain present before this Court on such dates as this Court may direct. He shall place on record of this Appeal his permanent address, his current address and telephone numbers including mobile numbers that will include mobile numbers of his family members like wife and adult son/ daughter, if any. He shall also contact regularly with his Advocate in the present matter.

6. He shall report in Ramnagar Police Station of Chandrapur City on first Monday of every month without fail. Failure to report shall constitute breach of bail conditions and he shall be immediately taken in custody and produced before this Court.

7. Criminal Application is accordingly allowed.

JUDGE

JUDGE

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