

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

CRIMINAL APPLICATION (APPA) NO. 435/2016
IN CRIMINAL APPEAL NO. 239/2016.

Vinod Raju Potraje and others.

-VERSUS-

The State of Maharashtra

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.

DATE : NOVEMBER 28, 2016.

Heard Shri Y.B. Mandpe, learned counsel
for the applicant and Shri A.D. Sonak, learned A.P.P.
for respondent.

2. Effort of learned counsel for the applicant/
appellant is to show that evidence on last seen is
lacking in the matter. He contends that some motive
can be gathered because of prosecution story, that too
only against accused no.1. But, there is no allegation
of any motive against other accused.

3. Learned A.P.P. has invited our attention to
paragraph no.69 of the impugned judgment to urge

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that the circumstances constituting chain and indicating only accused persons as culprit, is found by the trial Court.

4. After hearing respective counsel, we find that at this stage, appreciation of evidence on merit is not possible. The trial Court has in paragraph no.69 found a chain and in circumstance no.6, it has also noted that the axe and clothes of accused nos. 1 and 2 have blood stains of group "B" i.e. blood group of Nagesh. It has thereafter, found that the accused persons failed to explain their whereabouts on the night in question.

5. In this situation, we find no case made out for releasing the applicant/appellant on bail. Criminal Application is, rejected. However, hearing of Appeal is expedited. No costs.

JUDGE

JUDGE

Rqd.