

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

CRIMINAL APPLICATION (APPA) NO.564 OF 2016
IN
CRIMINAL APPEAL NO.329 OF 2016

Sachin @ Anna @ Palti Gabrel (In jail)

-vs-

State of Maharashtra, Thr. PSO PS Deolapar, Dist. Nagpur.

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

Court's or Judge's Orders.

Shri R.M. Patwardhan, Advocate for applicant.
Shri R. S. Nayak, Addl.PP for State/non-applicant.

CORAM : B. P. DHARMADHIKARI &
A. S. CHANDURKAR JJ.
DATE : October 20, 2016

Heard Advocate Shri Patwardhan for applicant-
accused No.1 and learned Addl. Public Prosecutor Shri
Nayak for State-non-applicant.

We have also perused orders dated 22/02/2016
passed by this Court in Criminal Appeal No.110/2016
filed by co-accused Herald Francis. By detailed order,
this Court has granted him bail on that day.

Here the conviction is only on the basis of
circumstantial evidence. Though PW-3 Pramod Arora
claims that he saw both the accused persons running
away from the spot with a stick and sickle, it is omission.

Advocate Shri Patwardhan has pointed out that
three days after the arrest, from the open space
accessible to public, prosecution claims that a stick has

been recovered at the instance of this applicant. From very same place four days thereafter a sickle is claimed to be recovered at the instance of co-accused Herald.

In this situation, in the light of facts noted supra and the consideration in order dated 22/06/2016, we pass the following order :

Criminal Application No.564 of 2016 is allowed.

The substantive jail sentence imposed upon application by Court below in S.T. 417 of 2010 shall remain suspended during pendency of the appeal.

Applicant Sachin @ Anna @ Palti Gabrel be released on bail on his executing a P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties in the like amount.

The applicant shall attend Police Station, Sadar, Nagpur once in a month, preferably on third Saturday of every month during pendency of the present appeal.

The applicant shall remain present before this Court at the time of final hearing.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

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

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Asmita A. Bhandakkar
Personal Assistant

Uploaded on :
21/10/2016