

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.967/2015

(Nilesh s/o Mahadevrao Hiware vs. The State of Maharashtra)

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

Court's or Judge's order

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Mr.A.K.Bhangde, Adv. for applicant
Ms. N.P Mehta, APP for respondent

CORAM: A.B.CHAUDHARI, J.
DATED : 27th January, 2016.

In respect of Crime No. 89/2015 registered at Nandanwan Police Station, District Nagpur, for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, the applicant is seeking regular bail.

Heard learned counsel for the rival parties. Perused the charge-sheet along with the reply filed on behalf of non-applicant-State. From the perusal thereof, it is clear that there is no direct evidence against the applicant in the form of ocular evidence but there is evidence of the recovery/discovery of bloodstains on the clothes and weapon. But then there cannot be any tampering, the said evidence being the scientific evidence. The only allegation against the applicant appears to be that he had carried with him cricket stump from his house and nothing more than that. That by itself could not be a sufficient ground for detention of the applicant in jail. However care will have to be taken to protect the interest of prosecution. Mr.

Bhangde, learned counsel for the applicant undertakes that his client will not enter the Nagpur Commissionerate, except on the dates of trial and will stay at Bhivapur and shall not apply for modification of this condition, till completion of the trial. Hence the order:

ORDER

a) Criminal Application (BA) No.967/2015 is allowed.

b) The applicant be released on bail on his executing personal bond in the sum of Rs. 20,000/- (rupees twenty thousand) with solvent surety in the like amount.

c)The applicant shall not enter the boundary of Nagpur Commissionerate. except on the dates of trial, and shall not apply for modification of the condition, till the completion of the trial.

JUDGE

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