

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

CRIMINAL APPLICATION [APPA] NO.21 OF 2017

IN

CRIMINAL APPEAL NO.9 OF 2017

[Santosh s/o Tanbaji Durge .vs. The State of Maharashtra, through PSO Ballarshah Police
Station, District-Chandrapur]

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

Court's or Judge's orders

Shri R.K. Tiwari, Advocate for Applicant/Appellant,
Shri R.S. Nayak, APP for Respondent.

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CORAM : B.R. GAVAI AND
KUM. INDIRA JAIN, JJ.

DATED : MARCH 01, 2017.

By this application, applicant prays for suspension of sentence and grant of bail during the pendency of appeal.

Heard Shri R.K. Tiwari, learned counsel for applicant and Shri R.S. Nayak, learned Additional Public Prosecutor for respondent.

As held by Hon'ble Apex Court, detail elaboration of evidence at this stage would not be necessary.

The present case rests on circumstantial evidence. The prosecution is required to prove each and every incriminating circumstance beyond reasonable doubt. In addition, the prosecution is also required to establish the chain of circumstances which are so interwoven to each other that lead to know the conclusion than the guilt of the accused. *Prima facie*, we are of the view that the prosecution

has not been in a position to establish the case which leads to the conclusion that only the present applicant is guilty of the crime in question. The applicant has undergone 1½ years period.

Taking into consideration the fact that the applicant has a good case on merits and, therefore, the application deserves to be allowed. Hence, the order :

The order of sentence is suspended. Applicant/Appellant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.10,000/- with one surety in the like amount.

Application stands disposed of accordingly.

JUDGE

JUDGE