

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

CRIMINAL APPLICATION (BA) NO.800 OF 2017

Ashish s/o Madhukar Ambone

..vs..

State of Maharashtra, thr. PSO, Nandanvan Police Station, Nagpur

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

Court's or Judge's Order

Shri R.K. Tiwari, Counsel for the applicant.

Shri V.P. Gangane, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 29, 2017.

Heard learned counsel Shri R.K. Tiwari for the
applicant and learned Additional Public Prosecutor Shri V.P.
Gangane for the State.

The applicant is arrested in connection with Crime
No.57 of 2017 registered with Nandanvan Police Station, District
Nagpur for the offences punishable under Sections 302, 120-B,
and 201 of the Indian Penal Code.

The applicant is accused No.2 and is arrested on
11.2.2017.

Deceased is one Ashwin whose dead body was
found near Dighori Naka and, therefore, on the report lodged by
Arvind Baburao Chauhan, uncle of the deceased, the offence
was registered against the the unknown persons.

.....2/-

The investigation is over and the charge-sheet is already filed.

The entire prosecution is based on circumstantial alone. There is no ocular account.

According to the charge-sheet, the incriminating circumstances against the present applicant are, (i) his blood stained clothes from his person were seized on 11.2.2017 (ii) at his behest on his memorandum statement stone is seized from the lake of Sakkardara. Except these, there are no circumstances or other incriminating material against the present applicant.

Prima facie, it is hard to believe that for entire day the applicant will be roaming in society with blood stained clothes on his person. Secondly, from the admissible portion of the memorandum statement it is clear that he has not agreed to show the place from where the stone is recovered.

With this type of evidence, when the investigation is over, in my view, further custodial presence of the applicant is not necessary. Resultantly, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/-

with two solvent sureties of the like amount in connection with Crime No.57 of 2017 registered with Nandanvan Police Station, District Nagpur for the offences punishable under Sections 302, 120-B, and 201 of the Indian Penal Code.

iii) The applicant shall attend the police station twice a month i.e. on first Saturday and Second Friday of each month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

iv) The applicant shall not cause any prejudice to the prosecution case.

v) The criminal application is disposed of.

JUDGE

!! BRW !!

...../-