

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

CRIMINAL APPLICATION (BA) NO.812 OF 2017

Salman Khan s/o Salim Khan

..vs..

State of Maharashtra, through PSO Pulgaon, Tahsil Deoli, District Warhda

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

Court's or Judge's Order

Shri D.R. Bhoyar, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 6, 2017.

Heard learned counsel Shri D.R. Bhoyar for the
applicant and learned Additional Public Prosecutor Shri T.A.
Mirza for the State.

The applicant is arrested on 29.3.2017 in
connection with Crime No.412 of 2017 registered with Police
Station Pulgaon, District Wardha for the offence punishable
under Section 302 read with Section 34 of the Indian Penal
Code.

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

According to the prosecution, there is no ocular
evidence. The entire case of the prosecution is based on
circumstantial evidence. According to the prosecution, the only

incriminating circumstance against the applicant is that he has given a memorandum statement leading to recovery of an iron-rod and the clothes which alleged to have been on the person of the applicant at the time of commission of the offence.

I have gone through the admissible portion in the memorandum statement. It is conspicuously silent in respect of the place which the applicant agreed to show.

In that view of the matter and in view of the facts that challan is already presented and entire case of the prosecution is based on circumstantial evidence, further incarceration of the present applicant in jail is not at all warranted. That leads me to 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 amount in connection with Crime No.412 of 2017 registered with Police Station Pulgaon, District Wardha for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

iii) The applicant shall attend the police station

twice a week i.e. on every Saturday and every Monday in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

iv) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

...../-