

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

Criminal Application (BA) No. 285 of 2018
Anil @ Ganesh v. State of Maharashtra

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

Court's or Judge's orders

Shri Mir Nagman Ali, Advocate for applicant
Shri P. S. Tembhare, APP for respondent-State

CORAM : S. B. Shukre, J

DATE : 6.4.2018

Heard. Perused the reply of the prosecution and the charge-sheet.

In this case, the prosecution is based upon circumstantial evidence and as of now, there is no last-seen evidence. There is an allegation that the rope used in the crime was discovered at the instance of this applicant. But, the C.A. Report shows that the probable cause of death, in the opinion of the doctor conducting the post-mortem examination, was inconclusive as the body of the deceased was in a highly decomposed state. In these circumstances, I do not think that merely because some CDR details are available which, according to the prosecution, show presence of the applicant in the vicinity of the spot of incident at the relevant time, would itself be sufficient to deny bail to this applicant especially when the investigation is over and the charge-sheet has been filed.

For the reasons stated above, I am of the view that the case of the applicant also cannot be distinguished from the case of co-accused Yashoda who has been enlarged

on bail by this Court vide order dated 15th March 2018 passed in BA No. 211 of 2018.

In the result, application is allowed. It is directed that the applicant be released on bail in Crime No. 728/2017 registered with Police Station, Mul for the offences punishable under Sections 302, 201, 120B read with Section 34 of the Indian Penal Code upon his furnishing PR Bond of Rs. 30,000/- with one solvent surety in the like sum, on the following conditions :

- (1) Applicant shall regularly attend the dates fixed in the sessions trial.
- (2) Applicant shall cooperate with the Sessions Court in expeditious disposal of the case.
- (3) Applicant shall not tamper with the prosecution witnesses.

Disposed of.

JUDGE

joshi