

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

Criminal Application [BA] No.369 of 2018

Ayyub Beg s/o Hatam Beg

vs.

State of Maharashtra, through P.S.O. Patur, District Akola

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

Court's or Judge's Orders

*Shri R.R. Vyas, Advocate for the Applicant.
 Shri H.D. Dubey, A.P.P. for the Non-Applicant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 2nd MAY, 2018.

Heard.

Perused the reply of the prosecution and the charge-sheet, which has been filed on 29/01/2018.

Although, it is alleged that there is a last seen evidence available against this applicant, on perusal of the statement of the witness, who says that he had lastly seen this applicant and his co-accused in the company of the deceased Kavita at about 09:30 p.m., the reality appears to be different. Admittedly, at that point of time, deceased Kavita was already dead as her dead body was found by the police between 17:30 and 18:05 hours of 31/10/2017 and so it is doubtful, if the witness had really seen this applicant lastly in the company of the deceased at about 09:30 p.m. of 31/10/2017.

If there is a doubt about the last seen evidence, there is hardly any other evidence which would suffice for this Court to deny the relief of regular bail to this applicant. There is one more confessional statement made by the co-accused to one of the witnesses, but considering the fact that as of now, there is no other circumstance available on record which *prima facie* supports the version of the witness to whom extra judicial confession is stated to be made, I am of the view that after completion of the investigation as in the present case, this applicant would be entitled to be released on bail.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond of Rs.30,000/- (Rupees Thirty Thousand) together with one solvent surety in the like sum on the following conditions :

- i. The applicant shall not tamper with the prosecution witnesses in any manner.
- ii. The applicant shall co-operate with the trial Court in expeditious disposal of the case.

The application is disposed of.

JUDGE