

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

Criminal Application [BA] No.399 of 2018

Sunil @ Kallu s/o Rameshwardayal Kushawah

vs.

State of Maharashtra, through P.S.O. Borgaon Manju, Tah. & Dist. 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.M. Daga, 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.

It is seen that except for the details of C.D.R. showing continuous communication between this applicant and accused no.3 before and after the alleged killing of victim Jagatsingh and presence of the applicant at the spot, where deceased Jagatsingh was allegedly killed, there is no other evidence collected by the investigating agency to show complicity of the applicant in the present crime. There is one shirt, which has been discovered at the instance of this applicant under Section 27 of the Indian Evidence Act from one agricultural field, which is stated to be worn by this applicant at the time of the incident, does not however, bear any blood stain. It is doubtful, if such discovery of fact could *prima facie* implicate this applicant in the present crime.

The investigation is over and with the kind of evidence collected against this applicant, I do not think that there would be any justification for this Court to

decline bail to the applicant.

Accordingly, 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

**sandesh*