

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (BA) NO.978/2018

Gopal Gajadharsingh Thakur
V/s
State of Maharashtra, thr. P.S.O. P.S. Manora, Dist. Washim.

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

Court's or Judge's orders

Shri S.P. Dharmadhikari, Senior Counsel with Shri C.S. Dharmadhikari,
Advocate for the applicant.
Shri S.D. Sirpurkar, APP for the non-applicant/State.
Shri R.J. Mirza, Advocate for assist to prosecution.

CORAM : M.G. GIRATKAR, J

DATE : 13.12.2018.

Heard Shri S.P. Dharmadhikari, learned Senior
Counsel with Shri C.S. Dharmadhikari, counsel for the for
the applicant.

The learned Senior Counsel has pointed out that the time of registration of F.I.R. and material discrepancies in respect of earlier part of investigation i.e. spot panchanama etc. He has submitted that the spot panchanama etc., were prepared before the registration of crime. There is no eye witness of the incident, accused himself informed the police, and his confessional statement was recorded and thereafter investigation was started. Except the evidence of discovery under Section 27 and last seen there is no other evidence by other side of prosecution.

Confession by the accused is not admissible in

law. Except discovery of dead body there is no other material evidence. The statements of witnesses of last seen who are neighbours of the deceased were recorded on 13.3.2018 whereas they came to know about the incident on 28.2.2018 itself, why they did not disclose immediately. He has not explain, at this stage except the discovery of dead body there is no other material evidence.

Hence the following order.

ORDER

- I] The application is allowed.
- II] The applicant be released on executing P.R. bond in the sum of Rs.1,00,000/- with one solvent surety.
- III] The applicant shall not tamper the evidence of prosecution witnesses.
- IV] The applicant shall not leave the jurisdiction of trial court without prior permission.
- V] The applicant shall attend the trial Court on each and every date.
- VI] Breach of any condition amounts to cancellation of bail.

JUDGE