

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

CRIMINAL APPLICATION (BA) NO.1218/2017

Shahuraj s/o Namdeo Kamble

..VS..

The State of Mah., thr. PSO, PS Babhulgaon, District Yavatmal

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

Court's or Judge's Order

Shri N.A. Gaikwad, Counsel for the applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 10, 2018.

1. Heard learned counsel Shri N.A. Gaikwad for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

2. The applicant was arrested on 17.2.2017 in connection with Crime No.61 of 2017 registered with Police Station Babhulgaon, District Yavatmal for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code on the accusation that he has committed murder of his father.

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

4. After hearing learned Additional Public Prosecutor Shri T.A. Mirza for the State, it is clear that there is

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no eyewitness account in the prosecution case and the entire case is based only on circumstantial evidence.

5. The circumstance, that is pressed into service against the applicant, is memorandum statement of the applicant under Section 27 of the Code of Criminal Procedure.

6. Looking to the fact that the investigation is already over and there is no eyewitness against the present applicant, and the applicant is in jail since 17.2.2017, in my view, the applicant should not continue further in jail. That leads me to pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Shahuraj s/o Namdeo Kamble, 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 in connection with Crime No.61 of 2017 registered with Police Station Babhulgaon, District Yavatmal for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

(c) The applicant shall attend the police station twice in a month i.e. on 1st and 3rd Saturday

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of every month, till culmination of the Trial and shall be with the investigating officer from 3:00 p.m. to 5:00 p.m..

(d) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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