

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

CRIMINAL APPLICATION (BA) NO. 60 OF 2019
(Patru Namdeo Chandekar .v. State of Maharashtra)

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, APP for the respondent/State.

CORAM : M.G. GIRATKAR, J.
21ST FEBRUARY, 2019.

Heard.

Perused the FIR and the statements of witnesses recorded by the Investigating Officer. Most of the statements are recorded after one month, two and half months and so on. Initially, report was lodged against unknown person. As per the investigation, it was revealed that the accused had illicit relations with the wife of deceased and, therefore, there was quarrel between them. As per the statements of witnesses, they had lastly seen the deceased. All the witnesses are the residents of nearby or residing in the same locality. Had they seen deceased lastly, they could have disclosed to the complainant who is the brother of the deceased or wife of the deceased. But nobody disclosed about the last seen to the IO, complainant or the nearest relatives of the deceased who are residing nearby the houses of the witnesses. Except last seen, there is no eye witness to the incident. There is only evidence of recovery under Section 27 of the Indian Evidence Act. The case is based on circumstantial evidence.

Looking to the statements recorded at the belated stage and the witnesses who are residing nearby the house of deceased and accused, question remains as to why they kept

mum for the period of one two and half months. Hence, the following order.

The application is allowed. The applicant be released on bail on furnishing PR bond of Rs.25,000/- (rupees twenty-five thousand only) with one solvent surety in the like amount, on the following conditions.

The applicant shall not reside in the village Jairampur, Tah. Chamorshi, District Gadchiroli till the completion of trial.

The applicant shall not tamper the evidence of prosecution witnesses.

The applicant shall attend the trial Court on each and every date.

The applicant shall not leave the jurisdiction of trial Court without prior permission.

Breach of any of the conditions, shall amount to cancellation of bail.

JUDGE

*rrg.