

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

CRIMINAL APPLICATION (BA) NO.160/2019

Abdul Imran s/o Abdul Sabir

..VS..

State of Mah., thr. its PSO, Old City Police Station Akola, Taluka and
District Akola

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

Court's or Judge's Order

.....
Ms S.S.Choube, Counsel for the applicant.
Mrs.M.H.Deshmukh, Addl.P.P. for the State.

CORAM : M.G.GIRATKAR, J.

DATED : MARCH 27, 2019.

1. This is an application under Section 439 of the Code of Criminal Procedure for grant of bail.
2. Heard learned counsel Ms S.S.Choube for the applicant and learned Additional Public Prosecutor Mrs.M.H.Deshmukh for the State.
3. Learned counsel Ms S.S.Choube for the applicant submits that case of the prosecution is based only on circumstantial evidence and nothing is recovered from the applicant. Hence, she submits that the applicant is entitled for grant of bail.
4. Learned Additional Public Prosecutor Mrs.M.H.Deshmukh for the State strongly objects the present application. She points out statements of two witnesses viz. Ranjit and Mohd.Nazim. She submits that both the said two witnesses stated about last seen of the applicant with

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deceased.

5. Perused the statements of Ranjit and Mohd.Nazim. They stated generally that they saw Amol and Abdul going towards “Buddha Vihar” and they would have gone to house of deceased. Their statements are not definite. They have not seen deceased with the present applicant or the applicant with deceased. Therefore, it cannot be said that the applicant lastly was seen with deceased. There is no evidence on record to connect the present applicant with crime in question. Hence, following order is passed:

ORDER

- (i) The criminal application is allowed.
- (ii) Applicant be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (iii) The applicant shall not tamper with evidence of prosecution witnesses.
- (iv) The applicant shall attend the trial Court on each and every date.
- (v) The applicant shall not leave the jurisdiction of trial Court without prior permission.

(vi) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!