

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

CRIMINAL APPLICATION (BA) NO.227/2019

Sachin s/o Manoharrao Mahalle

..VS..

The State of Mah., thr. Police Station Officer, Police Station Yavatmal City,
District Yavatmal

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

Court's or Judge's Order

.....
Shri S.V.Manohar, Senior Counsel with Shri A.S.Manohar,
Adv. for the Applicant.
Shri H.D.Dubey, Addl.P.P. for the State.

CORAM : M.G.GIRATKAR, J.

DATED : MARCH 18, 2019.

1. This is an application under Section 439 of the Code of Criminal Procedure for grant of bail.
2. Heard learned senior counsel Shri S.V.Manohar for the applicant and learned Additional Public Prosecutor Shri H.D.Dubey for the State. Also, perused reply filed by the State.
3. Learned Additional Public Prosecutor Shri H.D.Dubey for the State strongly objects the present application.
4. Learned senior counsel Shri S.V.Manohar for the applicant submits that except panchnama dated 1.1.2019, in respect of talk between accused Bhim and the present applicant, there is no other evidence. He points out statement of wife of deceased. As per her statement, Bhim,

and Gajanan beat her husband by sharp weapon. Her statement does not show presence of the applicant. To prove conspiracy, Investigating Officer recorded conversation on mobile between accused Bhim and the applicant. It appears from the conversation that accused Bhim informed the applicant about killing of deceased. Conversation between them does not show that the present applicant was conspirator. Whereas, the present applicant exclaimed as, “*vjs ckij s dkm u dk;P;klkBh-*” The same shows that he was feeling bad about the incident. Conversation between Bhim and the applicant nowhere shows that the applicant is the conspirator of crime. There is no other evidence to show conspiracy between the applicant and main accused Bhim and Gajanan.

5. Having heard submission of learned senior counsel Shri S.V.Manohar for the applicant and learned Additional Public Prosecutor Shri H.D.Dubey for the State and having gone through reply filed by the State, following order is passed:

ORDER

- (i) The criminal application is allowed.
- (ii) Applicant-Sachin s/o Manoharrao Mahalle, be released on bail on he executing a P.R.Bond in the sum of Rs.50,000/- 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) Till completion of the Trial, the applicant shall not reside in Yavatmal City, except on dates before the Trial Court.

(vii) The applicant shall supply his mobile number, residential address etc. to Police Station Yavatmal (City).

(viii) Breach of any of the conditions amounts to cancellation of bail.

JUDGE

!! BRW !!

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