

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

CRIMINAL APPLICATION (BA) NO.275/2019

Sagar Manohar Kowal

..VS..

State of Mah., thr. PSO PS Yeoda, District Amravati

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

Court's or Judge's Order

.....
Shri Firdos Mirza, Counsel for the Applicant.
Shri M.P.Kariya, Counsel to assist the Prosecution
Mrs.M.H.Deshmukh, Addl.P.P. for the State.

CORAM : M.G.GIRATKAR, J.

DATED : APRIL 16, 2019.

1. Heard.
2. Learned counsel Shri Firdos Mirza for the applicant points out an order dated 7.3.2019 passed by this Court in Criminal Application (BA) No.165/2019 in which one of co-accused viz. Suwarna was released on bail.
3. It is contention of the prosecution that co-accused Suwarna had love affairs with the applicant and there is conspiracy and applicant with the help of Suwarna committed murder of husband of Suwarna.
4. Learned Additional Public Prosecutor Mrs.M.H.Deshmukh for the State strongly objects the present application for grant of bail and submits that the applicant is main accused who hatched conspiracy with wife of deceased to kill the deceased. She submits that there is material evidence against the applicant. Hence, the application is

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liable to be rejected.

5. Learned counsel Shri M.P. Kariya who is assisting the Prosecution also objects the present application and submits that there are material evidence against the applicant and hence the application is liable to be rejected.

6. Learned counsel Shri Firdos Mirza for the applicant submits running panchnama in which confessional statement of the applicant is recorded.

7. Now it is well settled law that as per Section 25 of the Indian Evidence Act statement of confession made by the accused in respect of commission of guilt is not admissible. Therefore, confession of the applicant in running panchnama cannot be taken as evidence against the applicant. There is no eyewitness to the incident. Only case is based on circumstantial evidence. Hence, following order is passed:

ORDER

(i) The criminal application is allowed.

(ii) The 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 the evidence of prosecution witnesses.

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

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

(vi) The applicant shall not reside in village Bhamod, District Akola, till decision of the Trial.

(vii) The applicant shall give his mobile number and his residential address to Yeoda Police Station, District Amravati and also to nearest Police Station in jurisdiction of which he will be residing.

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

JUDGE

!! BRW !!

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