

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

Criminal Application (BA) No. 306 of 2019

(Amit s/o Amlindu Biswas Vs. State of Maharashtra)

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for the applicant
Shri H. D. Dubey, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATED : 29/04/2019

Heard learned Advocate Shri Sirpurkar for the applicant. He has submitted that applicant is arrested on 04.06.2018 and since then he is in jail. He has pointed out report and submitted that villagers were suspecting that there were gang of dacoit. There is suspicion against the present applicant. Except the recovery of weapon, nothing is on record.

2. Shri Dubey, learned Additional Public Prosecutor for the State has strongly objected the present application and submitted that at the instance of applicant, the weapon used in the crime is recovered and, therefore, application is liable to be rejected.

3. Except the recovery of hacksaw (Aari), there is no corroborative evidence. The statement and report show that there is doubt against the applicant. Nobody saw the applicant while committing the crime. Panchnama under Section 27 relates only to prove the recovery of weapon. Except that nothing is on record to show that applicant has committed crime. Hence, the following order.

4. Criminal Application is allowed.

5. The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount on the following conditions.

(a) The applicant shall not tamper with the evidence of prosecution witnesses.

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

JUDGE

SMG