

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.**

Criminal Application (BA) No. 311 of 2019

(Vinayak @ Daya s/o Damu NadeVs. State of Maharashtra)

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

Court's or Judge's Order

Shri R. M. Daga, Advocate for the applicant
Mrs. M. H. Deshmukh, APP for the State/respondent

CORAM : M. G. GIRATKAR, J.

DATE : 26/4/2019

Heard Shri Daga, learned counsel for the applicant.

2. Perused the report. Report is lodged by the daughter of the deceased against unknown person. She has stated in her report that she had love affair with present applicant and her father/deceased objected her relationship with the applicant. Except that there is nothing on record to implicate the applicant.

3. Mrs. Deshmukh, learned Additional Public Prosecutor for the State has strongly objected the present application and submits that applicant was found in front of the house of the deceased in the morning at about 4.30 a.m. She has pointed out the statement of Amol Londhe. At last submitted that application is liable to be rejected.

4. From the perusal of statement of Amol Londhe, it appears that he has stated the presence of accused at about 4.30 a.m. in front of the house of deceased but that does not mean that he was last seen with the

deceased. There is nothing on record to show that the applicant is the author of the crime. Hence, the following order.

5. Criminal Application is allowed.

6. The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.15,000/- 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.

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

7. Observation made by this court in the order shall not come in the way of trial court while deciding the case on merit.

JUDGE

SMG