

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

CRIMINAL APPLICATION (BA) NO.777/2019

Mahadeo Santosh Chavhan

..VS..

State of Mah., thr. its PSO PS Malegaon, Taluka Malegaon, District Washim

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

Court's or Judge's Order

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Shri R.S.Kurekar, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 04, 2019.

1. The applicant is arrested in connection with Crime No.90/2019 registered with Malegaon Police Station, District Washim for offence under Section 302 of the Indian Penal Code.

2. Heard learned counsel Shri R.S.Kurekar for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Both learned counsel advanced their submissions on the basis of chargesheet.

3. On 19.6.2019, First Information Report is lodged by Dashrath Sonune, the son of deceased Vishwanath. As per the report, deceased used to run a Beetle Kiosk. As per the report, on 25.3.2019, after running his Beetle Kiosk, Dashrath was sleeping near his shop. As per the report, on 26.3.2019 at about 7:30 a.m., when first informant Dashrath went to the shop, he noticed that his

father was sleeping. It was unnatural, according to the first informant and, therefore, he gave a call to his father without any result, therefore, he called neighbours Ramesh and Prabhakar. When bed sheet was removed, he noticed that his father was dead. Therefore, the report was lodged against unknown persons.

4. Investigation is over and chargesheet is filed. There is no eyewitness account in the prosecution case.

5. The prosecution is relied on statement of one Pradip Gawai ,who runs a hotel by name “Nisarga Hotel” on Malegaon Mehkar Road. According to his statement, on 25.3.2019 at about 11:00 p.m., the applicant came to his hotel along with liquor and he started consuming the same. When Pradip objected, as per statement of Pradip, the applicant said that he wants to eliminate a person. According to the statement of Pradip, on the next day, he got knowledge about death of Vishwanath.

6. Since chargesheet is filed and there is no eyewitness witness account, in my view, the present application of the applicant can be considered favourably in his favour. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant-Mahadeo Santosh Chavhan, in connection with Crime No.90/2019 registered with Malegaon Police Station,

District Washim for offence under Section 302 of the Indian Penal Code, he 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.

(iii) The applicant is directed to attend the police station once in a week i.e. on every Sunday between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

(iv) During the pendency of the Trial, the applicant is directed not to enter territorial jurisdiction of village Dharpimpri, taluka Malegaon, District Washim.

(v) The applicant is directed to furnish his residential address before learned Judge of the Court below where he will be executing his Bail Bonds.

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

JUDGE

!! BRW !!

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