

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR****CRIMINAL APPLICATION (BA) NO.795/2019**

Premnand s/o Dhananjay Dongre .vs. State of Maharashtra through PSO
P.S. Jimalgatta, Tq. Aheri, Dist. Gadchiroli

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

Court's or Judge's orders.

Mr. A. C. Jaltare, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 13, 2019

Heard Mr. Jaltare, learned counsel for applicant
and Mr. Thakare, learned A.P.P. for non applicant-State.
Also perused the charge-sheet.

Applicant is arrested in connection with Crime
No.8/2018, registered with Police Station, Jimalgatta, tq.
Aheri, Dist. Gadchiroli, for an offence punishable under
Section 302 read with Section 34 the Indian Penal Code.

Co-accused Kiran Durge and Chatru Durge are
already released on bail by this Court vide orders dated
29.04.2019 and 14.08.2019. According to the post mortem
report, the probable cause of death of Sanjay was cardio-
respiratory arrest due to strangulation. The charge-sheet
does not show that there is any eye witness account in the
prosecution case. Prosecution case is based on circumstantial
evidence. The circumstance that pressed into service against
present applicant is that he along with other co-accused was
seen lastly in the company of deceased and also recovery of
chappal of the applicant himself.

Since this Court has already released co-accused on bail who were also in company of present applicant and they were also seen lastly in the company of the deceased, in my view, applicant can be released on the principle of parity. That leads me to pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Premnandan s/o Dhananjay Dongre be released on bail in connection with Crime No.8/2018, registered with Police Station, Jimalgatta, tq. Aheri, Dist. Gadchiroli, for an offence punishable under Section 302 read with Section 34 the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in like amount.
- (iii) Applicant is directed not to reside in village Marpalli, during pendency of trial. Applicant shall furnish his residential address to Police Station, Jamalgatta, while furnishing bail bonds before the Court below.
- (iv) The Court below is directed to issue necessary directions to applicant that he shall attend Police Station, under whose jurisdiction he will reside, once in a month, till the culmination of trial.
- (v) Applicant shall not tamper with prosecution evidence.

The application is disposed of.

JUDGE