

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

CRIMINAL APPLICATION (BA) NO. 867 OF 2019

Nilkantha s/o Narayan Kamdi .Vs. State of Maharashtra, PSO, PS. Chimur,
Tah. Chimur, Dist. Chandrapur.

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

Mr. M.V. Rai, Advocate for applicant.
Mr.M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 10, 2019

Heard Mr. Rai, learned counsel for the applicant and Mr. Khan, learned Additional Public Prosecutor for the non applicant-State. Also perused the detailed reply filed on behalf of the prosecuting agency.

The applicant is arrested on 26.04.2019 in connection with Crime No.76/2019 registered with Police Station, Chimur, Tah. Chimur, Dist. Chandrapur for an offence punishable under Sections 436 and 506 Indian Penal Code and since then applicant is in jail.

The investigating agency has completed entire investigation and final report is already presented before the competent Court.

As per the prosecution case, complaint is lodged by wife of present applicant Sharda. According to her report, the applicant who works in a hotel was in habit of drinking liquor and used to assault her under the influence of liquor. However, the reply does not show that on previous occasion

any report was lodged by her against her husband for any assault. Be that as it may, as per report, on 23.03.2019, her sister Vandana Nandankar informed her that the present applicant has set hut on fire in which they used to reside.

The learned Additional Public Prosecutor would submit that though there is no eye witness account in the present prosecution case. However, there is an extra judicial confessional statement made by the present applicant to one of the prosecution witness namely; Vandana Nandankar. Though the extra judicial confession is admissible in evidence, it is weak piece of evidence. Further, that will have to be proved by the prosecution in accordance with law during the course of the trial. However, at this stage except said extra judicial confession there is no material against the present applicant. The applicant is in jail since 26.04.2019 and investigation is over and charge-sheet is already filed. Further, it is reported to the Court that as on today even charge is not framed.

In that view of the matter, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant- Nilkantha s/o Narayan Kamdi be released on bail in connection with Crime No.76/2019 registered with Police Station, Chimur, Tah. Chimur, Dist. Chandrapur for an offence punishable under Sections 436 and 506 Indian Penal Code, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Chimur once in a month i.e. third Friday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. till culmination of the trial.

(iv) The application is allowed and disposed of.

JUDGE

srwagh