

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

CRIMINAL APPLICATION (BA) NO. 50/2020

Tarachand s/o Isulal Shahare .vs. The State of Maharashtra through PSO
P.S. Amgaon, Gondia.

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

Court's or Judge's orders.

Mr. R. B. Gaikwad, Advocate for applicant.
Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : FEBRUARY 13, 2020

Heard Mr.Gaikwad, learned counsel for applicant
and Mr. Pathan, learned A.P.P. for non applicant-State.

Applicant is arrested on 01.02.2018 in connection
with Crime No.328/2018 registered with Police Station,
Amgaon, Gondia for an offence punishable under Sections
302, 201, 404, 376, 511 read with Section 3 (2) (5) of the
Scheduled Caste and Scheduled Tribe (Prevention of
Atrocities) Act.

The investigation is over and charge-sheet is
already filed.

According to the charge-sheet, applicant has
committed murder of one lady by name Manjusha. There is
no eye witness in this prosecution case. According to the
learned A.P.P, circumstance against the applicant is that the
applicant took bicycle from one Santosh Gaidhane. The
entire prosecution case is conspicuously silent about the
deceased being found in company of the applicant lastly.
The learned A.P.P. submits that at the instance of the

applicant there is recovery of cellphone of the deceased.

Perusal of the charge-sheet in that behalf would show that the place from where the cellphone is recovered was already known to the investigating officer in view of the fact that from the very same place the dead body of the deceased was recovered.

Except this, there is nothing in the prosecution case at present though it will be open for the prosecution to prove culpability of the applicant during trial.

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

ORDER

- (i) The application is allowed.
- (ii) Applicant-Tarachand s/o Isulal Shahare be released on bail in connection with Crime No.328/2018 registered with Police Station, Amgaon, Gondia for an offence punishable under Sections 302, 201, 404, 376, 511 read with Section 3 (2) (5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 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, Amgaon, Dist. Gondia, twice a month i.e. on first and third Saturday of every month till culmination of the trial.

The application is allowed and disposed of.

JUDGE