

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

CRIMINAL APPLICATION (BA) NO. 312 OF 2020
(LD-VC-CRIMINAL APPLICATION (BA) NO. 414 OF 2020)
(Gopal Baliram Yeole, Amravati Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri P.V. Navlani, Advocate for the applicant.
Shri Nikhil Joshi, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 03, 2020.

Heard Shri Navlani, learned counsel for the applicant and Shri Joshi, learned A.P.P. for the non-applicant/State through Video Conferencing.

2. The applicant is said to be arrested on 25/05/2018 in connection with Crime No.85/2018 dated 22/05/2018 registered at Police Station, Shendurjana Ghat, District Amravati (Rural) for the offences punishable under Sections 302, 201, 120B and 109 read with Section 34 of the Indian Penal Code.

3. Present is the second bail application. The earlier bail application was rejected by this Court vide order dated 28/02/2019 passed in Criminal Application (BA) No.26/2019.

4. Learned counsel for the applicant submitted that now, there are change in circumstances. Firstly, due to pandemic situation, the trial before the Court have stuck-up and secondly,

two witnesses have been examined and there is no substantive evidence came out from it against the present applicant. The co-accused Nos.2 and 3, who allegedly executed the plot of murder, have granted bail by the Sessions Court and that only on the ground of suspicion, the present applicant is involved in this case.

5. Per contra, the learned A.P.P. opposed the application mainly on the ground that the earlier bail application of the applicant was rejected on the ground of role attributed to him.

6. I have considered the submissions put forth on either side and also perused the record.

7. At the outset, the role assigned to the present applicant is of conspirator. There is no direct evidence against him. Admittedly, there is no eye-witness to the incident. That out of five accused, four accused have already been released on bail. Perusal of evidence of PW/1 Deepika – the informant also does not reflect any specific role of the applicant. Thus, in my opinion, this circumstance and the circumstance of changed situation arises due to pandemic, needs consideration for deciding this application.

8. For the reasons aforesaid, I am of the view that a strong case for grant of bail is made out. Hence, I pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail in connection with Crime No.85/2018 dated 22/05/2018 registered at Police Station, Shendurjana Ghat, District Amravati (Rural) for the offences punishable under Sections 302, 201, 120B and 109 read with Section 34 of the Indian Penal Code on his furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- iii) The applicant shall not in any manner tamper with the evidences.

9. Needless to say that the trial Court should not get influenced by the observations made above and shall decide the case on its own merits.

10. The Criminal Application is disposed of accordingly.

11. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE