

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

CRIMINAL APPLICATION (BA) NO. 314 OF 2020

(Pankaj Raju Tadas, Wardha Vs. State of Maharashtra, thr. PSO Hinganghat, District Wardha)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for the applicant.
Mrs. H.N. Prabhu, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 20, 2020.

Heard Shri Daga, learned counsel for the applicant and Mrs. Prabhu, learned A.P.P. for the non-applicant/State through Video Conferencing.

2. The applicant is said to be arrested in connection with Crime No. 597/2019 dated 09/09/2019 registered at Police Station, Hinganghat, District Wardha for the offence punishable under Section 302 of the Indian Penal Code.

3. The prosecution case is that niece of the informant i.e. the prosecutrix had a love affair with the present applicant. The informant had given understanding to the prosecutrix to not to indulge in such things.

4. On 07/09/2020, while the prosecutrix was talking on phone with the applicant, the sister of the prosecutrix snatched the handset and told the applicant not to give any trouble to her sister. On this, the applicant told that the prosecutrix is having

relations with other boys and so he will saw her.

5. Thereafter, on 09/09/2019, when the sister of the prosecutrix Sankshi went to her relatives, she didn't come back and in the morning, her dead body was found near the Reliance Petrol Pump at Rimdoh Shivar with multiple injury marks of sharp edged weapon on her neck and abdomen. The applicant came to be arrested on the basis of suspicion.

6. Incriminating material against the present applicant is recovery of knife at his instance under Section 27 of the Evidence Act, which was purchased from the shop of one witness. As per seizure panchanama, the knife was domestic without having blood stains. The clothes of the accused were also seized with no blood stains. Apart from recovery of knife and its purchase from shop of the witness, the prosecution could not point out any other substantive evidence. The case is pending before the learned trial Court from about one year but the charges are not yet framed.

7. The applicant, who is 19 years old, is in jail since around one year. The whole case appears to be based on circumstantial evidence and the circumstances, as has been pointed out to the Court, does not appear to be sufficient at this stage.

8. In the given facts, this Court is of the opinion that with stringent conditions, the present

applicant can be released on bail. Hence, the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail 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 pressurize or issue threats to the witnesses.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant to supply his residential address and mobile number to the concerned police station and shall not change the same, pending trial.
- vi) The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.
- vii) The applicant shall not enter in the vicinity of the area where the witnesses reside.
- viii) The applicant to attend the concerned police station on every first Thursday of each month between 12.00 noon to 2.00 pm.

9. The Criminal Application is disposed of accordingly.

10. Any observation in this order shall not prejudice the case of the prosecution during trial.

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

Sumit