

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

CRIMINAL APPLICATION (BA) NO.373 OF 2020

(Pradeep s/o Sheshrao Bakal Vs. State of Maharashtra thr. PSO PS Risod, District Washim)

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

Court's or Judge's orders.

Shri A.M. Jaltare, Advocate for Applicant.
Shri P.S. Tembhare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 9th SEPTEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicant is in custody since 23.12.2019 in connection with Crime 530/2019 registered with Risod Police Station for offence punishable under section 302, 201 read with section 34 of the Indian Penal Code.

4] The applicant is the younger brother of the deceased and according to the prosecution the motive was that the deceased had an evil eye on the wife of the applicant on one occasion the deceased also touched the wife of the applicant inappropriately by holding her hand.

5] The prosecution case is based entirely on circumstantial evidence.

6] While I do not consider it appropriate to consider the circumstantial evidence minutely, since reasons will have to be recorded, however, brief, for the grant of bail, I am constrained to record that perusal of the charge-sheet makes it extremely doubtful whether the prosecution has placed on record material to suggest a complete chain of circumstances, assuming that the material stands the test of trial.

7] It is not the case of the prosecution that the applicant has any criminal antecedent.

8] The applicant has made out a case for grant of bail.

9] The application is allowed.

10] The applicants shall be released on bail subject to the following conditions:

- [i] The applicant be released on bail on furnishing P.R. bond of Rs.50,000/- with a surety of like amount.
- [ii] The applicant shall not influence the witnesses or tamper with the evidence.

[iii] The applicant shall enter the territorial limits of Tahsil Risod unless permitted by the trial court.

11] The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

NSN