

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

CRIMINAL APPLICATION (BA) NO. 389 OF 2020

(Javed Arifkhan Pathan vs. State of Maharashtra thr. PSO, PS Tirora, District - Gondia)

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

Court's or Judge's orders.

Shri V.S. Mishra, Advocate for the applicant.
Shri Nikhil Joshi, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Mishra, learned counsel for the applicant and Shri Joshi, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested in Crime No. 388 of 2019 for the offence punishable under Sections 302, 201, 120(B), 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and Section 4 read with Section 25 of the Arms Act, registered at Police Station, Tirora, District – Gondia.

The case of the prosecution in brief is that on 12.11.2019, a dead body was found in the well at the backside of Gandhi Putla, Tirora, District - Gondia and the same was identified as the son of the informant by name Rushabh. The dead body was having signs of injury. Initially, First Information

Report came to be lodged against unknown persons. During investigation, five accused came to be arrested including the present applicant. Investigation is completed and the charge sheet is also filed.

Perused the affidavit in reply and the charge sheet filed on record. The prosecution could not point out any significant role played by the present applicant. The whole case is based on circumstantial evidence.

At this stage, a sufficient link of circumstances could not be pointed out from the charge sheet except that he accompanied the co-accused and facilitated the presence of the deceased for the purpose of commission of crime. No weapon is seized from the present applicant. Furthermore, prosecution could not point out any criminal antecedents against him. He is 20 years of age and in jail since more than six months.

As the investigation is completed and charge sheet is also filed, no fruitful purpose would be served in keeping him in jail. Hence, the following order :

Criminal Application is allowed. The applicant – Javed Arifkhan Pathan, be released on bail on executing Personal bond of Rs. 25,000/- (Rs. Twenty

five thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside.

The applicant shall not tamper with the prosecution evidence.

The applicant to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Any observations made in this order shall not prejudice the case of the prosecution.

Criminal Application is disposed of accordingly.

JUDGE

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