

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

CRIMINAL APPLICATION (BA) NO. 426 OF 2020

Krishna @ Bhurya Neware & Anr.

Vs.

State of Maharashtra

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

Shri V. S. Mishra, Advocate for the applicants.
Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : DECEMBER 01, 2020.

Heard.

2. The applicants are said to be arrested on 13/11/2019 in connection with Crime No. 388/2019 dated 13/11/2019 registered at Police Station Tirora, District Gondia for the offence punishable under Sections 302, 201, 120B, 143, 147, 148 and 149 read with Section 34 of the Indian Penal Code, 1860, and Section 4/25 of the Arms Act, 1959.

3. The case of the prosecution in brief is that on 12/11/2019, a dead body was found in the well at the back side 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 sign of injuries. Initially, First Information Report came to be lodged against unknown persons. During investigation, five accused came to be

arrested including the present applicants. Investigation is completed and the chargesheet is also filed.

4. Perused the affidavit in reply and the chargesheet filed on record. The prosecution could not point out any significant role played by the present applicants. The whole case is based on circumstantial evidence. The only material against the present applicants is that they were moving in the evening of 10/11/2019 in search of the deceased and at the instance of applicant No.1 Krishna, one cycle wheel was recovered from the drainage, situated at a distance of about 500 meters from the spot of the incident, and that some sticks were recovered from the water tank at the instance of applicant No.2 Sameer.

5. A sufficient link of circumstances could not be pointed out from the chargesheet.

6. Furthermore, the prosecution could not point out any criminal antecedents against the present applicants. They are 20 years of age and in jail since more than one year.

7. As the investigation is completed and chargesheet is also filed, no fruitful purpose would be served in keeping them behind the bar. Hence the following order :-

ORDER.

i. The Criminal Application is allowed.

ii. The applicants be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (rupees twenty five thousand) each with one solvent surety each in the like amount.

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

iv. The applicants shall not tamper with the prosecution evidence.

v. The applicants to attend the concerned police station on every first Thursday of each month between noon to 2.00 pm.

8. The Criminal Application is disposed of accordingly.

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

JUDGE

Sumit