

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

CRIMINAL APPLICATION (BA) NO. 497 OF 2020

Rajesh s/o Pralhad Kawale & 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.

Mrs. Alveena Khan, Advocate for the applicants.
Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : NOVEMBER 26, 2020.

Heard Mrs. Khan, learned counsel for the
applicants and Shri Ashirgade, learned A.P.P. for the
respondent/State, through Video Conferencing.

2. The applicants are said to be arrested on
February 23, 2020 in connection with Crime No. 49/2020
dated February 20, 2020 registered at Police Station
Mangrul (Dast), District Amravati (Rural) for the offence
punishable under Sections 302, 120B and 201 read with
Section 34 of the Indian Penal Code.

3. The prosecution case is of contract killing. The
present applicants, who are arrayed as accused Nos.3 and 4,
are posed as contract killers to kill the deceased Hanumant,
who is the husband of original accused No.2 Anuradha, and
accused No.1 Umesh is said to be the paramour of accused
No.2 Anuradha.

4. The whole case appears to be based on circumstantial evidence and confessional statement. The circumstances, which could be found by the prosecution against the present applicants are only with regard to the Call Detail Record showing that the present applicants were in touch with the accused No.1 Umesh, at the relevant time. The ownership of recovered Motorcycle, which is used for commission of crime, could not be traced out. Such type of material, at this stage, does not appear to be sufficient to reject the bail application of the applicants.

5. Furthermore, the material with regard to CDR is also not decisive inasmuch as there is no clarity with regard to which number belongs to which applicant. Also, the prosecution could not point out any criminal antecedent against the present applicants.

6. Therefore, considering the nature of material available on record, this Court is of the opinion that with stringent conditions, the present applicants deserve bail. 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 pressurize or issue threats to the witnesses.

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

v. The applicants to supply their residential address and mobile numbers to the concerned police station and shall not change the same, pending trial.

vi. The applicants shall not leave the local jurisdiction without prior intimation to the concerned police station.

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

13. The Criminal Application is disposed of accordingly.

14. The aforesaid observations is only for granting bail to the applicants and it shall not come in the way of the trial Court during trial.

CRIMINAL APPLICATION (APPP) NO. 643 OF 2020.

In view of disposal of the bail application, the instant application does not survive. It is disposed of accordingly.

JUDGE