

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

CRIMINAL APPLICATION (BA) NO.537 OF 2020

(Pankaj s/o Gopalrao Kolankar Vs. State of Maharashtra thr. PSO PS Hingna, Dist.
Nagpur)

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

Court's or Judge's orders.

Mr. O.K. Masurke, Advocate for Applicant.
Mr. P.S. Tembhare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 21st OCTOBER, 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 seeking regular bail in Crime 247/2019 registered with the Police Station Hingna, District Nagpur for offence punishable under section 302 read with section 34 of the Indian Penal Code.

4] The deceased Paras is allegedly murdered pursuant to shared common intention by the applicant and the co-accused Yogesh Paturkar.

5] The weapons used is wheel spanner and stone.

6] There is no direct evidence on record. In so far as the last seen theory is concerned two witnesses claim to have seen the deceased in the company of co-accused Yogesh Paturkar and an unknown person. No test identification parade is conducted to *prima facie* show that the applicant is the unknown person referred to by the two witnesses. That apart, co-accused Yogesh Paturkar who is similarly situated is released on bail on the ground that there is no direct evidence and the accused is in jail since long. This order is not challenged by the prosecution.

7] Considering the material on record and the fact that the only incriminating material, other than the last seen theory, is the recovery of blood stained cloth, I am inclined to release the applicant on bail.

8] The Application is allowed.

[i] The applicant be released from custody on furnishing personal bond of Rs. 25,000/- with a surety of like amount. In view of the prevailing situation, the surety may be furnished within four weeks from the release.

[ii] The applicant shall not make any attempt to influence the witnesses or tamper with the evidence.

[iii] The applicant shall attend the dates of hearing regularly.

[iv] The applicant shall not leave the country without the permission of the jurisdictional court.

JUDGE

NSN

Nitin
Nikhare

Digitally signed
by Nitin Nikhare
Date: 2020.10.21
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