

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 416 OF 2020

(Sushant Balnath Punwatkar, Yavatmal Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri M.N. Ali, Advocate for the applicant.

Mrs. S.S. Jachak, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 06, 2020.

Heard Shri Ali, learned counsel for the applicant and Mrs. Jachak, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicant is said to be arrested on 03/11/2019 in connection with Crime No.285/2019 dated 03/11/2019 registered at Police Station, Maregaon, District Yavatmal for the offences punishable under Sections 201 and 302 read with Section 34 of the Indian Penal Code.

3. Perused the application, affidavit-in-reply and the documents annexed.

4. At the outset, the whole case is based on circumstantial evidence. The probable cause of death, as per the postmortem report, is 'exphyxia' due to strangulation. The present applicant is arrayed as an accused only on the basis of recovery of 'dupatta', which is allegedly used for strangulation.

5. The applicant is in jail since November, 2019. The investigation is completed and chargesheet is also filed. The prosecution could not point out, from the affidavit-in-reply, any other substantive material to connect the present applicant clearly with the alleged crime. The prosecution also could not point out any criminal antecedent against the present applicant.

6. In the given facts, this Court is of the opinion that a fit case for grant of bail is made out. Accordingly, I pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail in connection with Crime No.285/2019 dated 03/11/2019 registered at Police Station, Maregaon, District Yavatmal for the offences punishable under Sections 201 and 302 read with Section 34 of the Indian Penal Code on his furnishing PR bond in the sum of Rs.30,000/- with one solvent surety in the like amount.
- iii) The applicant shall not in any manner tamper with the evidences.

7. Needless to say that the trial Court should not get influenced by the observations made above and shall decide the case on its own merits.

8. The Criminal Application is disposed of accordingly.

9. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit