

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 644 OF 2020

(Ravindra Santoshrao Ghode, Wardha 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 S.R. Dube, Advocate for the applicant.
Shri P.S. Tembhare, A.P.P. for the non-applicant.

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

Heard Shri Dube, learned counsel for the applicant and Shri Tembhare, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicant is said to be arrested on 25/12/2019 in connection with Crime No.904/2019 dated 18/12/2019 registered at Police Station, Deoli, District Wardha for the offences punishable under Sections 302 and 307 of the Indian Penal Code.

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

4. At the outset, there is no eye-witness to the incident. No weapon of offence was seized from the present applicant, only a motorcycle was seized, however, there is no substantive material to connect the said motorcycle with the alleged crime.

5. The son of the deceased claims to be the eye-witness of the incident, however, on perusal of the report, it suggests that he is not an eye-witness.

The prosecution based its case on the basis of oral dying declaration.

6. The applicant is in custody since more than 8 months. The investigation is completed and the chargesheet is also filed.

7. In the given facts, this Court is of the opinion that no fruitful purpose would be served in keeping the applicant in jail. Hence, I proceed to pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail in connection with Crime No.904/2019 dated 18/12/2019 registered at Police Station, Deoli, District Wardha for the offences punishable under Sections 302 and 307 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.

8. 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.

9. The Criminal Application is disposed of accordingly.

10. 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