

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 961 OF 2020

(Sandip s/o Nivrutti Pawale, Latur & Anr. 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.L. Vairagade, Advocate for the applicants.
Mrs. H.N. Prabhu, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Vairagade, learned counsel for the applicants and Mrs. Prabhu, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicants are said to be arrested on 01/10/2018 in connection with Crime No. 288/2018 dated 21/09/2018 registered at Police Station, Andhera, District Buldhana for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. The case of the prosecution is that on 23/09/2018, two persons, aged around 40 and 50 years, were found dead with nylon rope tightened to their throats in village Khadka. During investigation, the present applicants along with the co-accused came to be arrested.

4. The allegation against the present applicants is that they had participated in the crime by sharing common intention.

5. Learned counsel for the applicants submitted that one of the co-accused in the aforesaid crime namely Gorakh Shinde has already been released on bail by this Court. He further submitted that there is no sufficient material available in the entire chargesheet to connect the present applicants with the aforesaid crime and thus prayed for releasing the applicants on bail.

6. Per contra, the learned A.P.P. strongly opposing the bail application submitted that the witnesses in the instant case have lastly seen the deceased with the present applicants in a Swift Dzire car and thus prayed for rejection of the bail application.

7. I have considered the submissions put forth on behalf of both the sides.

8. On perusing the statements of the witnesses, it appears that apart from last seen theory of one of the witnesses Janabai, who has allegedly seen the deceased with the present applicants, this Court does not find any concrete material against them. The whole case of the prosecution appears to be based on circumstantial evidence.

9. For the aforestated reasons, so also considering the fact that the investigation is almost completed and they are in jail since more than one and a half year coupled with the fact that there is no criminal antecedent available, as per prosecution,

against the present applicants, this Court is of the opinion that a fit case for grant of bail has been made out. 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.1,00,000/- each with one solvent surety each in the like amount.
- iii) The applicants shall not leave the local jurisdiction without prior intimation to the concerned Police Station.
- iv) The applicants shall not in any manner tamper with the evidence of the prosecution witnesses.

10. The Criminal Application is disposed of accordingly.

11. 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