

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 1063 OF 2020

(Navnath s/o Bandu Karande, Akola (In jail) Vs. State of Maharashtra, thr. PSO Dabki Road, Akola)

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

Court's or Judge's orders.

Shri A.S. Londhe, Advocate for the applicant.
Shri N.B. Jawade, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 20, 2020.

Heard Shri Londhe, learned counsel for the applicant and Shri Jawade, learned A.P.P. for the non-applicant/State through Video Conferencing.

2. The applicant is said to be arrested on 19/09/2019 in connection with Crime No. 265/2019 dated 19/09/2019 registered at Police Station, Dabki Road, District Akola for the offence punishable under Section 302 of the Indian Penal Code.

3. The prosecution story is that on 19/09/2019, the father of the informant found missing. He along with his uncle went in search of his father and found his dead body with grievous injuries to his head with one liquor bottle and two stones lying near the dead body. He came to know that his father had a quarrel with the present applicant and therefore, the present applicant came to be arrested.

4. The prosecution opposed the bail application mainly on the ground that the present

applicant was last seen with the deceased having liquor and were quarreling. The prosecution also expressed apprehension of his absconding or extending threats to the witnesses.

5. A perusal of the postmortem report shows three injuries in column No.17 in the nature of laceration wounds and abrasion. The cause of death is head injury and there are under scalp injuries in column No.19.

6. The whole case appears to be based on circumstantial evidence. Barring last seen theory, the prosecution could not point out any other strong incriminating material against the present applicant. Furthermore, it appears that the incident is the outcome of a sudden quarrel. It is not a pre-planned murder. The applicant is said to be in jail since around one year.

7. In the given facts, this Court is of the opinion that with stringent conditions, the present applicant can be released on bail. Hence, the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- iii) The applicant shall not pressurize or issue

threats to the witnesses.

iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant to supply his residential address and mobile number to the concerned police station and shall not change the same, pending trial.

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

vii) The applicant shall not enter in the vicinity of the area where the witnesses reside.

viii) The applicant to attend the concerned police station on every first Thursday of each month between 12.00 noon to 2.00 pm.

8. The Criminal Application is disposed of accordingly.

9. Any observation in this order shall not prejudice the case of the prosecution during trial.

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