

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

CRIMINAL APPLICATION (BA) NO. 992 OF 2020

(Mahesh s/o Bhaiyalal Khare vs. State of Maharashtra thr. PSO, PS Juni Kamptee, District - Nagpur)

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

Court's or Judge's orders.

Shri C.R. Thakur, Advocate for the applicant.
Shri I.J. Damle, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 26, 2020.

Heard Shri Thakur, learned counsel for
the applicant and Shri Damle, learned APP for the
non-applicant – State, through video conferencing.

2. The applicant, who is arrested on 20.08.2019 for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code in Crime No. 238 of 2019 by the Juni Kamptee Police Station, District – Nagpur, has moved this application for grant of bail.

3. The case of the prosecution is based on circumstantial evidence. Initially, a dead body was found in the well. During investigation, the applicant came to be arrested. In his disclosure statement, he

disclosed the reason behind the murder of the deceased Sheikh Matin @ Majid Jatin was that the deceased was asking for refund of his money. At the instance of the applicant, his clothes were recovered and also a mobile phone of the deceased. Apart from the above material, the prosecution could seize CCTV footage of Novatel Hotel, wherein the applicant is seen with the deceased. So, barring the evidence of recovery of mobile of the deceased and he is seen with the deceased, there is absolutely no material to connect the link of the present applicant with the deceased.

4. The applicant is in custody since 20.08.2019. The investigation is already completed and the charge sheet is also filed. The prosecution could not point out criminal antecedents against the applicant.

5. In this view of the matter, the applicant deserves bail. Hence, Criminal application is allowed on the following conditions :

(i) The applicant shall execute Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only) with one surety each in the like amount.

(ii) The applicant shall not enter the jurisdiction of the place of incident and he shall supply residential address of his two relatives and their mobile numbers.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) The applicant shall attend Police Station once in a month on every first Thursday of the month.

6. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicants and the trial Court shall be free to decide the matter on its merits.

JUDGE

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