

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

CRIMINAL APPLICATION (BA) NO. 1112 OF 2020

(Amol s/o Dilip Bonde **Vrs.** The State of Maharashtra, thr. P.S.O., P.S. Bela, Dist. Nagpur)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.V. Chauhan, Adv. for the applicant.
Shri H.D. Dubey, APP for the non-applicant / State.

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 15, 2020.

Heard.

2 The applicant is seeking bail in Crime No. 69/2020 registered at Police Station Bela, District Nagpur, for the offence punishable under Sections 307, 302, 120(B), 34 of the Indian Penal Code read with Section 3 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

3. Perused the application, affidavit-in-reply filed on behalf of the State and the charge-sheet, with the assistance of learned counsel for both the parties.

4. At the outset, the case is based on circumstantial evidence. The case of the prosecution is that on 26.02.2020, the informant – Vaibhav Davare (son of the deceased Popatrao) lodged report stating therein that the present applicant along with co-accused – Vaibhav Narnaware committed murder of his father on the issue of repayment of money. The role attributed to the present applicant is that he called the deceased at his place and

committed his murder by means of iron rod and katta with the assistance of co-accused.

5. In the First Information Report, the informant stated that when his father didn't return home, as he left by saying that he is going to the present applicant, the son called the applicant and the applicant informed that the deceased left at 2.30 p.m. and the applicant paid Rs. 3,00,000/- to the deceased. The informant enquired about the procurement of Rs. 3,00,000/- and after inquiry the informant got doubt on the applicant and, therefore, he lodged the report.

6. In the charge-sheet, apart from the statement of the deceased just before the incident that he went to the applicant's place and apart from the recovery of the weapons used in the crime i.e. under Section 27 of the Indian Evidence Act, 1872, the prosecution could not point out any other connecting link of the applicant with the present crime. The prosecution could not point out from the statement of witnesses as to how the deceased procured Rs. 3,00,000/- and also could not point out from the charge-sheet the motive for commission of murder.

7. It is stated that deceased died after 14 days of the incident. Initially, offence under Section 307 of the Indian Penal Code was registered against the applicant and thereafter offence under Section 302 of the Indian Penal Code came to be added.

8. The ballistic report and the chemical analyzer report have not been annexed to the charge-sheet.

9. Considering the fact that there is no substantive material available against the present applicant to connect him with the present crime and since the investigation is completed and the charge-sheet is also filed coupled with the fact that there is no criminal antecedents available against the present applicant, this Court is inclined to grant him bail, however, on stringent conditions :

(i) The applicant – Amol s/o Dilip Bonde shall be released on bail on executing Personal bond of Rs. 30,000/- (Rs. Thirty thousand only) with one surety in the like amount.

(ii) The applicant shall not enter the vicinity of the area where the witnesses reside.

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

(iv) The applicant shall not give threat to the witnesses or tamper with the evidence.

(v) The applicant to attend the concerned police station once in a month i.e. on every first Thursday of the month between 12.00 noon and 2.00 p.m.

10. Needless to say that the aforesaid observations are only for the purpose of deciding this application and the same shall not come in the way of the trial Court to decide the trial.

JUDGE

D.S. Baldwa