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

CRIMINAL APPLICATION (BA) NO. 1130 OF 2020

Mehboob s/o Shamsher Khan Pathan
Vrs.
State of Maharashtra, thr. P.S. Ganeshpeth, Nagpur

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

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Shri R.H. Rawlani, Adv. for the applicant.
Shri I.J. Damle, APP for the non-applicant / State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 07, 2020.

Heard.

2. The present applicant is seeking bail in Crime No. 242/2020 registered at Police Station Ganeshpeth, Nagpur for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. Perused the application, affidavit-in-reply filed on behalf of the State and the charge-sheet.

4. The allegation against the present applicant is that he along with co-accused committed murder of deceased - Golu @ Rajkumar Thakur resident of Raipur, Chattisgarh by means of stone.

5. It is a case based on circumstantial evidence. There is no eye-witness. The circumstances which the prosecution could point out is recovery of stone - the alleged weapon used for commission of offence at the instance of both the accused commonly and secondly that he along with co-accused were lastly seen quarreling with the deceased.

6. Apart from the above there is no other substantive material to link the present applicant to the alleged crime. Investigation is completed and the charge-sheet is also filed. The prosecution could not point out any criminal antecedent to his discredit.

7. Considering the material available against the present applicant, this Court is inclined to grant him bail on the following conditions :

(i) The applicant – Mehboob s/o Shamsher Khan Pathan be released on bail on executing Personal bond of Rs. 30,000/- with a solvent surety in the like amount.

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

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

(iv) The applicant to attend the concerned police station once in a month i.e.

on every first Tuesday of the month between 12.00 noon and 2.00 p.m.

(v) 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