

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1019 BAIL APPLICATION NO.1507 OF 2021

VISHAL VITTHALRAO NAYAK
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. D.M. Shinde, Advocate for the applicant
Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 22th DECEMBER, 2021

PER COURT :

1 Present application has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant, who has been arrested in connection with Crime No.212/2021 registered with Goregaon Police Station, Dist. Hingoli, for the offence punishable under Section 302, 201 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. D.M. Shinde for the applicant and learned APP Mr. V.M. Kagne for the respondent.

3 Perusal of the First Information Report would show that the incident had taken place in between 10.12.2020 to 11.12.2020, however, the First Information Report has been lodged on 23.10.2021. Though the

learned Advocate appearing for the applicant is submitting that there is inordinate delay, however, it is to be noted that the ultimate opinion by the medical expert has been given on 22.10.2021, which showed that the death of deceased Shyam Nayak was homicidal.

4 The case of the prosecution appears to be based on circumstantial evidence, especially the theory of last seen together. Now, the substantial part of the investigation appears to have been conducted, statements of witnesses have been recorded and CDR has also been collected, which allegedly shows the location of the mobile of the deceased as well as the applicant at almost the same place. The applicant came to be arrested on 23.10.2021 and, therefore, taking into consideration the progress made in the investigation and the evidence collected uptill now he deserves to be released on bail, however, on stringent conditions. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant viz. Vishal Vitthalrao Nayak, who has been arrested in connection with Crime No.212/2021 dated 23.10.2021 registered with Goregaon Police Station, Dist. Hingoli, for the offence punishable under Section 302, 201 of the Indian Penal Code, 1860, be released on PR. of

Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 The applicant shall not tamper with the evidence of the prosecution, in any manner.

4 He shall not indulge in any criminal activity.

5 If he commits any breach of above terms of bail, the prosecution is at liberty to move the Trial Court under Section 439(2) of the Code of Criminal Procedure for cancellation of bail.

6 He shall not enter the jurisdiction of village Sawana, Tq. Sengaon, Dist. Hingoli till the conclusion of trial. He should reside elsewhere, and before submission of bail papers, the applicant should give complete address of his proposed residence with his mobile number to the Investigation as well as to the Trial Court. So also he should comply with the requirements under paragraph Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).

7 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)