

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR****CRIMINAL APPLICATION (BA) NO.209/2021**

Roshan s/o Suryabhan Masaram .vs.Maharashtra thr. its PSO P.S. Chimur,Dist.Chandrapur

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

Court's or Judge's orders.

Mr. M. Rai, Advocate for applicant.

Mr. S. M. Ukey, A.P.P. for non applicant-State.

CORAM : **V.M. DESHPANDE, J.**

DATED : **APRIL 1, 2021**

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard Mr. Rai, learned counsel for applicant and Mr. Ukey, learned A.P.P. for non applicant-State. With assistance of both learned counsel, I have perused the entire charge-sheet placed on record.

This an application for regular bail. The applicant is arrested on 26.09.2000 in connection with Crime No.359/2000, registered with Police Station, Chimur, Dist. Chandrapur for an offence punishable under Section 302 of the Indian Penal Code.

The applicant is brother of Ankita wife of deceased Deepak Naitam. Even according to the prosecution case, it is based on circumstantial evidence alone and the circumstance is that the applicant and the deceased have gone together to the agricultural field and thereafter they went to bring illicit liquor to still (*hatbhatti*).

There are no eye witnesses. It is not prosecution case that the applicant has used any weapon. The post mortem report shows that there was no external injury of

whatsoever nature on the body of deceased. The cause of death is respiratory arrest because of drowning.

Since, except last seen theory and that is also not in proximity of time of the death and the charge-sheet is already filed and there is no possibility of taking up trial in near future, I am of the view that the applicant need not be detained in jail any further. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Roshan s/o Suryabhan Masaram be released on bail, in connection with Crime No.359/2000, registered with Police Station, Chimur, Dist. Chandrapur for an offence punishable under Section 302 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Chimur, Dist. Chandrapur twice a month i.e. on first and the third Thursday, between 02.00 p.m. to 05.00 p.m. till the trial is over.
- (iv) The applicant shall not take any steps prejudicial to the prosecution case.

The application is disposed of.

JUDGE

kahale