

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

CRIMINAL APPLICATION (BA) 374 OF 2021

(Krishna s/o.Bhimraj Kamble and anr..vs..State, thr PSO, PS Tiroda, Dist. Gondia)

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

Court's or Judge's orders.

Mr. V.D. Muley, counsel for applicants.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:18.08.2021.

Heard.

2. The applicants are accused of strangulating to death Mr. Anil Shende.

3. Applicant 1 Krishna is the brother of applicant 2 Krishnakala, who was married to Mr. Anil Shende.

4. After hearing the learned counsel Mr. V.D. Muley at length, I expressed disinclination to grant bail to applicant 1 Krishna.

5. Mr. V.D. Muley submitted that instead of rendering a detailed order, applicant 1 Krishna may be permitted to withdraw the application with liberty to

approach the learned trial Judge afresh, if there is no significant progress in the trial in the next six months.

6. In so far as applicant 2 Krishnakala, there is indeed material on record in the form of the statement of her son Abbash aged 10 years and post mortem report which speaks of death by strangulation. However, considering that applicant 2 is a woman who has, other than Abbash who is a witness, four children aged 2 to 8 years, I am inclined to grant her bail, considering that she is in custody since 29.5.2020 and will have to look after the children. However, since her eldest child Abbash is a witness, certain conditions will have to be imposed particularly since he is even otherwise residing with the informant at Gondia.

7. The bail application of applicant 1 Krishna is dismissed, as withdrawn, with liberty to move an application afresh before the trial Judge, if there is no effective hearing in the next six months and the delay is not attributable to any of the accused.

8. Applicant 2 Krishnakala be released from custody subject to the following conditions:

(i) Applicant 2 Krishnakala be released on bail in connection with Crime 202/2020, registered with Police Station, Tiroda, for offence punishable under section 302 read with section 34 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount;

(ii) Applicant 2 Krishnaka shall not enter the territorial limits of Gondia since the prime witness, who is her son Abbash is residing at Gondia;

(iii) Applicant 2 Krishnakala shall not make any attempt to contact or otherwise influence any witness including her son Abbash;

(iv) The applicant shall not leave the country without the permission of the jurisdictional Court;

9. The application is partly allowed and disposed of in the aforestated terms.

Judge

Belkhede