

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

Criminal Application (BA) No. 503 of 2021

(Santulal s/o Bhuta Bethekar ..vs.. State of Maharashtra through PS.O., Chikhaldara,
Tq. Chikhaldara, Dist. Amravati)

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

Court's or Judge's orders

Mr. D. S. Khushalani, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 07-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant, who is in custody since 26-8-2020, is seeking bail in connection with Crime 145/2020 registered with Police Station, Chikhaldara, District Amravati for offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. The prosecution case is that on the fateful day, the applicant witnessed the deceased behaving in an unacceptable manner with the wife of applicant and

instantaneously assaulted the deceased with bamboo stick. The body was then thrown in the well.

4. The evidence which the prosecution proposes to bring on record appears to be circumstantial. Illustratively, according to the prosecution, the incriminating material is that the deceased was wearing the clothes of the applicant.

5. Considering the material on record holistically and the fact that there are no adverse antecedents, I am inclined to grant bail.

6. The order of rejection of bail records that the witnesses and the applicant reside in the same village and, therefore, there is possibility of tampering of evidence. In my considered view, the mere fact that the accused and the witnesses reside in the same village would not necessarily suggest that the witnesses may be influenced. Be that as it may, the apprehension of the prosecution can be taken care of by imposing certain conditions.

7. The applicant be released from custody subject to furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not influence the witnesses directly or indirectly.

(b) The applicant shall not enter the territorial limits of Village Ektai, Tahsil Chikhaldara, District Amravati till the material witnesses are examined in the trial, unless he is specifically permitted by the jurisdictional Court to enter the said village for any particular and exceptional reason.

(c) The applicant shall not leave the country without the previous permission of the jurisdictional Court.

8. The application is allowed in the aforestated terms.

JUDGE