

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

CRIMINAL APPLICATION (BA) NO. 472 OF 2020

(Mayur s/o Muneshwar Nagdive **Vs.** State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri N.M. Gaidhane, Advocate for the applicant.
Shri Amit Chutke, A.P.P. for the non-applicant /State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 29th JANUARY, 2021.

Heard Shri N.M. Gaidhane, the learned counsel for the applicant and Shri Amit Chutke, the learned APP for the non-applicant/State.

2. By this application, the applicant is seeking regular bail in Crime No. 25/2019 registered at Police Station Wathoda, District Nagpur for the offence punishable under Sections 302, 364 & 396 of the Indian Penal Code.

3. The dead body of the deceased was found in abandoned condition and the offence was registered against the unknown persons. It is alleged that the deceased was abducted in order to rob him. The deceased was assaulted by the accused persons.

4. It is contended that the allegation against the applicant is that he has committed murder of a person. Learned counsel for the applicant submits that

the case is based on circumstantial evidence. The applicant is not named in the First Information Report. No doubt, there is a recovery of weapon i.e. iron rod at the instance of the applicant, So also, blood stains are also found on the clothes of the applicant, however, C.A. Report does not indicate the blood group of the deceased. Learned counsel for the applicant submits that the co-accused has been released on bail.

5. Shri Chutke, the learned APP opposed the said application.

6. After hearing both the sides and on a perusal of the case papers and the fact that charge-sheet is already filed, so also considering the manner in which the incident had taken place and the evidence available against the applicant, in my considered opinion, the applicant is entitled for bail on imposing certain conditions. Hence, the following order.

ORDER

- i. The Criminal Application is **allowed**.
- ii. The Applicant – Mayur Muneshwar Nagdive, be released on bail in Crime No. 25/2019 registered at Police Station Wathoda, District Nagpur for the offence punishable under Sections 302, 364 & 396 of the Indian Penal Code, on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.

- iii. The Applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.
- iv. The Applicant shall attend the concerned police station on second and fourth Saturday of the month in between 11.00 a.m. to 2.00 p.m.
- v. The Applicant shall not indulge in similar type of offence in future. If it is noticed that he is involved in such type of offence, the prosecution will be at liberty to move for cancellation of bail.
- vi. The Applicant shall keep himself away from the limits of area where the informant and other witnesses are residing.
- vii. The Applicant shall not change the place of residence without prior intimation to the concerned police station.
- viii. The Applicant shall attend the dates of hearing regularly in the trial court.
- ix. His two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

7. Criminal Application stands **disposed** of accordingly.

(MRS. SWAPNA JOSHI, J.)

SD. Bhimte