

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

CRIMINAL APPLICATION (BA) NO. 620 OF 2020

Sanjay s/o Sunil Jadhao & Anr.

Vs.

State of Maharashtra

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

Shri N.L. Jaiswal, Advocate for the applicants.
Shri S.A. Ashirgade, A.P.P. for the respondent.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : JANUARY 09, 2021.

Heard.

2. This is an application for grant of bail in Crime No. 322/2019 dated 31/12/2019 registered at Police Station, Jaulaka, District – Washim for the offence punishable under Sections 302, 201 and 120B read with Section 34 of the Indian Penal Code, 1860.

3. I have perused the application, reply affidavit and the chargesheet, with the assistance of learned both the counsel.

4. At the outset, the whole case is based on circumstantial evidence. The circumstances, which the prosecution could point out from the chargesheet, are last seen theory and motive. The statement of the last seen witness is recorded after two months of the incident. The motive, as per prosecution, is that the present applicants

have taken money from the deceased for the purpose of black magic, and as they failed in commitment, instead of refunding the amount, they committed murder. However, perusal of the chargesheet does not indicate any convincing material, with regard to last seen and the motive, against the present applicants.

5. Considering the nature of material available against the present applicants, so also considering the fact that the investigation is completed and chargesheet is also filed, this Court is of the opinion that by imposing suitable conditions, the present applicants can be released on bail. Hence, the following order :-

ORDER

- i. The Criminal Application is allowed.
- ii. The applicants i) Sanjay s/o Sunil Jadhao and ii) Shubham s/o Madhukar Khandare, be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (rupees twenty five thousand) each with one solvent surety each in the like amount.
- iii. The applicants shall not tamper with the prosecution evidence or issue threats to the witnesses.
- iv. The applicants to attend the concerned police station on every first Thursday of each month between noon to 2.00 pm.

6. The Criminal Application is disposed of accordingly.

7. The aforesaid observations are only for granting bail to the applicants, and the same shall not come in the way of the trial Court, during trial.

JUDGE

Sumit