

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

CRIMINAL APPLICATION (BA) NO.742 OF 2021

(Bablu @ Ayyaz Ahmad Khan Pathan Vs. State of Maharashtra thr. PSO PS Wadgaon
Road, Yavatmal)

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th AUGUST, 2021.

This application is preferred in view of the order dated 07.12.2020 passed by this Court (Coram: Smt. Pushpa V. Ganediwala, J.) in Criminal Application (BA) 1106/2020 granting liberty to move for bail afresh if within six months there is no effective hearing before the trial court and the delay is not attributable to the applicant – accused.

2. I have perused the order-sheet made available by the learned APP Mr. Pathan. No effective hearing is conducted since the order dated 07.12.2020 and the applicant is not at fault and therefore, I am considering the application for bail on merits.

3. The applicant is arraigned as accused 3 in Crime 17/2018 registered with Police Station Wadgaon Road, Yavatmal, District Yavatmal for offences punishable under

sections 302, 120-B and 201 of the Indian Penal Code.

4. The prosecution case is that Smt. Suman Nakshane used to reside at New Umarsara along with Payal, Priyanka Patel and the applicant. Priyanka and the applicant are allegedly in a relationship.

5. Smt. Suman went missing and her son Raghunath lodged a missing report. On 27.12.2017 PSI Manwar called Raghunath at the police station and asked him to accompany in order to identify the body of one woman. Raghunath identified the body as that of her mother and crime was registered against unknown persons.

6. The prosecution case is based on circumstantial evidence.

7. Two circumstances are pressed in service. The first circumstance is that witness Payal has stated that on 17.12.2017 she was not allowed to enter the house where she, her grand-mother Suman and accused Priyanka and the applicant stayed. The other circumstance is that the applicant and two co-accused were seen carrying a gunny bag on a motor-cycle.

8. In so far as the statement of Payal is concerned, co-accused Priyanka, against whom similar suspicious conduct is alleged, is already released on bail by this Court.

The only other alleged incriminating material is that witness Nilesh has seen the applicant and two co-accused riding a motor-cycle with a gunny bag.

9. Considering the material on record and the fact that the applicant has already suffered pre-trial detention of three years and eight months and that co-accused Priyanka is released on bail by this Court, I am inclined to grant bail.

10. The application is allowed.

11. The applicant be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety of the like amount.

12. The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

13 The applicant shall not leave the country without the permission of the trial Court.

14. The application is disposed of accordingly.

JUDGE