

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

CRIMINAL APPLICATION (BA) NO. 1202 OF 2020

Horilal @ Ajay Shrichandan Gautam, Jonpur (U.P.)

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 A.S. Londhe, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the respondent.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : JANUARY 06, 2021.

Heard.

2. This is an application for grant of bail in Crime No. 99/2020 dated 23/05/2020 registered at Police Station, M.I.D.C., District – Akola for the offence punishable under Sections 302 and 201 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 chain of circumstances, which the prosecution could point out, are with regard to last seen theory and the extra judicial confession by the applicant to the last seen witness. The motive for the alleged crime is said to be un-natural sex between the applicant and the deceased. Apart from these circumstances, the prosecution

could not point out any other convincing circumstances. Nothing is seized from the applicant.

5. Considering the insufficient link of circumstances, 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 applicant can be released on bail. Hence, the following order :-

ORDER

- i. The Criminal Application is allowed.
 - ii. The applicant Horilal @ Ajay Shrichandan Gautam, be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one solvent surety in the like amount.
 - iii. The applicant shall not tamper with the prosecution evidence or issue threats to the witnesses.
 - iv. The applicant 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 applicant, and the same shall not come in the way of the trial Court, during trial.

JUDGE

Sumit