

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

CRIMINAL APPLICATION (BA) NO. 597 OF 2022

Pradip Gangare **Versus** State of Maharashtra, through P.S.O., P.S. Deoli, Wardha

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri O.K. Masurke, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 04/07/2022.

1. The applicant is seeking bail in connection with Crime No. 186/2021, registered with Police Station Deoli, Tq. and District Wardha, for the offence punishable under Section 302 of the Indian Penal Code, 1860.
2. The learned counsel for the applicant submits that the whole case is based on the circumstantial evidence, whereas there was no direct evidence against the applicant to show the involvement of the applicant in the alleged offence.
3. He submits that the applicant has been falsely implicated in the alleged offence. He lastly argues that the applicant is in jail from last eight months and as the investigation is over, further custody of the applicant is not necessary. Accordingly, he prays for the grant of regular bail.

4. On the other hand, Shri T.A. Mirza, learned APP strongly opposes the present application and submits that since the offence is very serious, this Court may not grant bail to the applicant.

5. I have perused the charge-sheet and the statement of witnesses, particularly the statement of one Gopi Rohankar, who had lastly seen the deceased along with the applicant. Except this statement, *prima-facie* there is no other incriminating material available on record.

6. The supplementary statements were recorded after about nine months.

7. In the circumstances, the whole case based on circumstantial evidence and at this stage *prima-facie* there is no incriminating material available against the applicant.

8. Furthermore, investigation is over and charge-sheet is filed. There is nothing to show that, any possibility is there that the applicant may pressurize the prosecution witnesses or tamper the prosecution witnesses or he will not be available for trial if he released on bail. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that the applicant shall be released on bail in connection with Crime

No. 186/2021, registered with Police Station, Deoli, Tah. & District Wardha, for the offence punishable under Section 302 of the Indian Penal Code, 1860 on furnishing P.R. Bond in the sum of Rupees 25,000/- with one solvent surety in the like amount.

- iii) The applicant shall not tamper with the prosecution evidence.
- iv) The applicant shall attend the concerned Police Station as and when required.

The application stands **disposed of** accordingly.

[ANIL S. KILOR, J.]