

IN THE COURT OF SESSIONS JUDGE, YAVATMAL

(Presided over by Shri K.R.Pethkar)

Sessions Trial No. 31/2020

[CNR No MHYA010006532020]

State-Vs-Vikas Nandpatel +2

Order Below Exh.29

[Passed on this 18th May, 2021]

1.. Heard Shri S.M. Ali, learned Advocate for the applicant and Sau N.N.Dave, learned P.P. for the State. This is second application for regular bail under section 439 of the Code of Criminal Procedure in Crime No. 544/2019 registered under section 302 r/w 34 of the I.P.C. in Babhulgaon Police Station.

2.. The applicant states that the Hon'ble Bombay High Court in Criminal Application [BA] No.31/2021 by its order dated 29-1-2021 has released co-accused Nikhil Todsam. So also Hon'ble High Court is pleased to grant bail to another co-accused Pramod Shinde. The applicant is entitled for bail on the ground of parity. Hence, the second application for regular bail.

3.. The State by its say at Exh.40 states that the applicant/accused have motive to commit murder of deceased Devidas and he is the author of crime. The application is devoid of merits. The applicant will tamper the prosecution witnesses, if he is released on bail. Hence, the second application for

regular bail may kindly be rejected.

4.. The learned Advocate for the applicant/accused and learned P.P. have advanced their submissions as per the grounds raised in the application for bail and say.

5.. It may be noted that the Hon'ble Bombay High Court has already released the co-accused Nikhil Todsam and this Court has released accused Pramod Shinde. As such only on the basis that present applicant/accused has a motive to commit murder of deceased, he cannot be detained behind the bar. There is no recovery from the applicant under section 27 of the Evidence Act. In my view present applicant/accused deserves to be released on bail on the ground of parity. The observations of the Hon'ble High Court are binding on this Court. Hence, I pass the following order.

Order

Application for regular bail is hereby allowed.

The applicant/accused Vikas @ Lahanya Manohar Nandpatel, r/o Sukali, Tq. Babhulgaon, Dist. Yavatmal be released on bail in Crime No. 544/2019 registered at Police Station Babhulgaon, District Yavatmal for the offence punishable under section 302 r/w section 34 of the I.P.C. on his furnishing P.R. Bond in the sum of Rs.25,000/- with solvent surety in the

like amount.

The applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.

The applicant shall attend the concerned police station on every Thursday of the month in between 11.00 to 2.00 p.m.

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.

The applicant shall keep himself away from the limits of area where the informant and other witnesses are residing.

The applicant shall not change the place of residence without prior intimation to the concerned police station.

The applicant shall attend the dates of hearing regularly in this Court.

His two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

Dt/18-5-2021

[K.R.Pethkar]
Sessions Judge,
Yavatmal