

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, 'S.C.S.T. Act') and Section 7 (1) (d) of Protection of Civil Rights, 1955 and Section 3 and 25 of Arms Act, 1959.

3. There is also a counter F.I.R. registered in the same Police Station on 13th June 2021 bearing F.I.R. No.275 of 2021 for the offences punishable under Sections 302, 326, 324, 323, 427, 504, 506, 143, 147, 148, 149 of I.P.C. and Section 3 & 25 of Arms Act, 1959. As per F.I.R., the person by name Vishwanath Patil is a deceased.

4. The present Appellant came to be arrested and his regular bail application was rejected by the learned Additional Sessions Judge, Solapur. After hearing both the parties and perusing the record, one fact is clear that the Appellant has not been named in the F.I.R., though he has been named in the Supplementary Chargesheet. The Appellant was identified by the first informant in the Police Station, that is not the identification in the eyes of law. The prosecution does not come with the case of recovery of any incriminating articles at the hands of Appellant.

5. There was no antecedents. Charge sheet is also filed. When

we have read the order of the Trial Judge, we find that on the basis of presence of the Appellant on the spot, his bail was rejected.

6. However, considering the facts that there is no supporting material against the Appellant and considering the fact that the investigation is already completed, the appellant is entitled to be released on bail.

7. Hence, following Order is passed.

- (i) The Appeal is allowed.
- (ii) The Appellant be released on bail in connection with F.I.R. No.276 of 2021 dated 13th June, 2021 registered with Police Station Akkalkot North, District Solapur Rural, on his furnishing the Personal Bond and Surety Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only).
- (iii) Appellant shall not threaten the prosecution witness.
- (iv) Bail be furnished before concerned Court.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)