

3. We have appreciated the evidence of PW1-the complainant neighbour-Shalan Dhotre, so also evidence of PW6-son of the applicant and deceased namely Krushna Kutke. PW1 has specifically stated that at the time of the incident PW6 was taking meal along with her son at her place. Apart from above, there are material contradictions in the testimony of PW1, PW6 and PW9.

4. The fact remains that the applicant has already completed 9 years of his incarceration. In view of judgment of Apex Court in the matter of ***Suleman v/s. State of Uttar Pradesh*** delivered in Miscellaneous Application No. 764 of 2022 in Criminal Appeal No. 491 of 2022 decided on 15th September, 2022, we deem it appropriate to exercise the jurisdiction under Section 389(1) of the Code of Criminal Procedure. The application as such stands allowed.

5. The applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

6. The applicant shall not contact the witnesses in any manner.

7. It is further directed that the applicant shall attend the concerned Police Station in first week of every English calendar month, as he was shown to have been absconded from the date of incident i.e. 27th December, 2008, till the date of his arrest i.e. 3rd May, 2013.

8. Application is allowed in above terms.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]