

Practices Black Magic Act and 3(2) (va), 3(2) (r) of SC/ST, Act.

3. In the present offence, the applicant is in jail from last 5 years and 7 months. Initially, the applicant was not named in the FIR, however, subsequently after certain statements of witnesses were recorded, the applicant was added as accused. The eye-witnesses who have seen the applicant with the deceased boy, gave statements after more than two months which itself prima facie creates doubt because none of the witnesses informed the parents of the deceased boy of the fact that they saw the applicant was taking the deceased boy forcibly. Except these statements, there is no other material to directly connect the applicant with the alleged offence.

4. In the above referred backdrop, considering the period of incarceration of the applicant, I am of the opinion that the applicant is entitled for grant of bail.

5. Moreover, it is informed that the applicant has suffered heart attack and Doctor has opined to undergo angioplasty.

6. In that view of the matter though the learned APP and the learned counsel for the respondent no. 2 are strongly opposing the application, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.430 of 2018, registered with Mangalwedha Police Station, District: Solapur, for the offences punishable under Sections 302, 363, 366, 201 read with 34 of the Indian Penal Code, 1860, Sections 8 and 12 of the Protection Of Children from Sexual Offences Act, 2012, Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Human Evil and Aghory Practices Black Magic Act and 3(2) (va), 3(2) (r) of SC/ST, Act. , on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of the police station Mangalwedha, District: Solapur Rural, till the conclusion of the trial;
- iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 1100 a.m., till the conclusion of the trial except on the date of trial;
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

7. The observations made in the order are *prima facie* and the trial Court shall not influence by the same.

8. The application is disposed of .

(ANIL S. KILOR, J)