

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.0036 of 2023, registered with Police Station, Kamati, District: Solapur for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code.
3. The applicant is the accused No.3 against whom the allegation is that, his motorcycle was used in the offence, thereby he provided aid to the accused Nos.1 and 2 in committing the alleged offence.
4. Thus, having considered the allegation and the fact that, the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not required.
5. Except the Motorcycle, nothing incriminating is recovered from the applicant under Section 27 of the Evidence Act.
6. In the circumstances, though the learned APP and the learned counsel for the intervener are opposing the application, in absence of any *prima facie* evidence to show the involvement of the applicant in the alleged offence, I am of the opinion that this is a fit case for grant of bail.
7. In the circumstances, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.0036 of 2023, registered with Police Station, Kamati, District: Solapur for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code, on furnishing P.R.Bond in the sum of

Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall attend the concerned Police Station on 1st and 16th day of each month between 12:00 noon and 2:00 pm, till conclusion of the trial;
- iv) 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;
- v) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

In view of the above, the Criminal Interim Application No. 3330 of 2023 is also **disposed of**.

(ANIL S. KILOR, J)