

as the CCTV footage referred by the learned APP while opposing the application is concerned, it only depicts the fact that the co-accused and the applicant were seen together. However, the said CCTV camera, which was installed near the exit gate of the factory where the accused and the deceased were working cannot be considered solely in absence of any other evidence against the applicant, to say that the applicant is involved in the present offence. Except this evidence against the applicant, there is nothing. Even the rope used in the offence was recovered from the co-accused Sangram.

5. Furthermore, the mobile location shows that the co-accused were near the spot of the incident. As far as the applicant is concerned, there is no mobile location available on record.

6. In the circumstances, considering the period of incarceration i.e. more than one year and the fact that the charge-sheet has been filed, though the learned APP is strongly opposing the application, I am of the opinion that the present application needs to be allowed. Accordingly, the application is allowed.

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.88 of 2023, registered with Gokul Shirgaon Police Station, District:Kolhapur, for the offences punishable under Sections 302, 201, 34 and 120(B) of the Indian Penal Code, 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 Gokul Shirgaon Police Station, Kolhapur 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 11.00 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.

8. The application is disposed of .

(ANIL S. KILOR, J)