

material collected by the IO during the investigation, it is evident that except the allegation that he entered into the Nashik District despite the externment order and further his location on the date of incident and the time of incident was nearby spot of the incident, there is nothing on record to *prima facie* show that complicity of the applicant in the alleged offence.

4. In the circumstances, considering the nature of allegation and the material available on record, I have reached to the conclusion that *prima facie* there is no sufficient material to show the complicity of the applicant. Though the learned APP has strongly opposed the application and submits that if the application is allowed, he may commit the similar offence or pressurise the prosecution witnesses. To address the same apprehension, the learned counsel for the applicant, makes a statement, on instructions, that he is ready to abide by any condition including not to enter into Nashik District, till the conclusion of the trial.

5. In that view of the matter, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released on bail in Crime No.242 of 2023, registered with Ambad Police Station, Nashik for the offences punishable under Sections 307, 109, 114, 120(B), 201 and 385 of the Indian Penal Code, 1860 (for short, IPC), Sections, 3(1) and 25 of the

Arms Act, Section 142 of the Maharashtra Police Act, Section 3(1) (ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crimes Act, 1999 and Section 7 of the Criminal Amendment 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 territorial jurisdiction of Nashik District, 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 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 or if the applicant commits 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.

6. The application is disposed of.

(ANIL S. KILOR, J)