

4. It has also come on record that the wife of the deceased and his daughter they followed the accused persons to the spot of incident. It further appears that after the assault the wife of the deceased requested the accused persons to take the deceased home and after taking the deceased to home, the accused no. 1 applied the turmeric on the injuries of the deceased and told the wife of the deceased that in the morning they would take the deceased to hospital. The complete narration of the incidence, does not show that there was any intention of any of the accused to kill the deceased or as far as the applicant is concerned, there was any motive.

5. In the above referred backdrop, if the facts namely the charge-sheet has been filed and the applicant is in jail from last more than two years, are considered, I am of the opinion that the further custody of the applicant is not necessary.

6. As far as one antecedent pointed out by the learned APP while opposing the application, the said offence is under section 395, 394 and 323 of IPC and not of the similar nature.

7. In the circumstances, the said antecedent could not come in the way of applicant while considering the request for grant of bail.

8. As far as trial is concerned, there is no progress in the trial, Even till date no charge is framed. In the circumstances, there is no end in sight of the trial in near future, particularly, considering the total number of witnesses i.e. 31. In that view of the matter, I pass the following order:

ORDER

- (i) Criminal Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.274 of 2022, registered with Ambad Police Station, Nashik, for the offences punishable under Sections 302 r/w. 34 of the Indian Penal Code, on furnishing P.R.Bond of Rupees Fifty Thousand with one solvent surety in the like amount;
- iii) 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 10.00 p.m. to 11.00a.m., till the conclusion of the trial except on the date of 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 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 exempted by the trial Court for any reason.

(ANIL S. KILOR, J)