

State Of Maharashtra ... Respondent

Mr. P.N. Jadhav, PSI, Khed Police Station, Present.

CORAM : ANIL S. KILOR, J.

DATE : 10TH OCTOBER, 2024.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.524 of 2021, registered with Khed Police Station, for the offences punishable under Sections 302, 120(B), 201, 506 r/w 34 of the Indian Penal Code.
3. The applicant is in jail from more than 3 years and till date charge is not framed. If the evidence against the applicant as pointed out by the learned APP, is concerned it is tower location and recovery of clothes and a weapon i.e. sickle.
4. As far as sickle is concerned, no bloodstained were found on the same. As regards the clothes, from more than three years CA

report is not received to show that the red colour stains found on the clothes are of the blood of the deceased. Further, as regards the location is concerned, the applicant is a resident of same village.

5. In addition to this, the applicant is not named in the FIR but there is a reference of unknown persons along with the main accused person. However, no identification was conducted to show that the unknown person is the applicant.

6. Thus, only on the basis of the clothes recovered from the applicant having some stains on it of which there is no CA report, the bail cannot be denied. Accordingly, though the learned APP strongly opposed the application, 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.524 of 2021, registered with Khed Police Station, for the offences punishable under Sections 302, 120(B), 201, 506 r/w 34 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 police station Khed, Pune, 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 if the applicant breaches any condition or commits any 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 application is disposed of .

(ANIL S. KILOR, J)