

2023, registered with Saswad Police Station, Pune, for the offences punishable under Sections 302, 307, 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code (for short, 'IPC'), Section 4/25 of the Arms Act, Section 7 of the Criminal Law Amendment Act and Section 135 of the Maharashtra Police Act.

3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that there are counter complaints made by both the groups against each other

4. In the present matter the postmortem report shows that 3 injuries were found on the body of the deceased of which one was stabbed wound. The cause of death noted in the postmortem report is the said injury.

5. As far as the applicants nos. 1 and 3 are concerned, they were not named in the FIR, however subsequently, in a supplementary statement recorded after four days of the incident, they were roped in.

6. As far as the applicant no. 2 is concerned, he was named and it is stated that he was holding a stick and further there are general allegations that he assaulted by stick. There are injury certificates which shows that nine persons got injured in the said assault.

7. The learned counsel for the applicant submits that since general allegations are made against the applicant no. 2 and as no specific role attributed to him, he may be released on bail as the charge-sheet has been filed. Further he points out that as the applicant

nos. 1 and 3 were not named but subsequently they have been falsely implicated by way of supplementary statement, they may also be released on bail.

8. On the other hand, the learned counsel for the Intervenor strongly opposed the application and pointed out the incriminating material against the applicants. It is submitted that there was rivalry in both groups and therefore, if the applicants are released on bail there is every possibility that similar incident may occur. Accordingly, he prays for rejection of the present application.

9. The learned APP reiterates the submission of learned counsel for the Intervenor and argues that since there is sufficient material available on record to show the complicity of the applicants in the alleged offence, the application may not be allowed.

10. In the above referred backdrop, as I have already observed after going through the charge-sheet and the relevant material that the applicants No. 1 and 3 were not named in the FIR but they were subsequently impleaded as assailants by way of supplementary statement, thus, it create doubts about the prosecution story against the applicant nos. 1 and 3. Moreover, as regard applicant nos. 2, general allegations are made. Furthermore, they are in jail from about 1 year.

11. In the circumstances, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicants shall be released on bail in Crime No.674 of 2023, registered with Saswad Police Station, Pune, for the offences punishable under Sections 302, 307, 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code (for short, 'IPC'), Section 4/25 of the Arms Act, Section 7 of the Criminal Law Amendment Act and Section 135 of the Maharashtra Police Act, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicants shall not enter into the territorial jurisdiction of Tal-Purandar, till the conclusion of the trial;
- iv) The applicants shall provide their address and name of the nearby police station to the IO, which they 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 applicants 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

misuse of liberty.

vii) The applicants shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

12. The application is disposed of .

(ANIL S. KILOR, J)