

recovered from the applicant are having no bloodstained. If the motive is considered, the motive goes against the accused no. 1 who had illicit relations with the wife of the deceased. However, no motive is pointed out qua the applicant. In addition to this, the accused no. 1 has been released on bail by the Sessions Court.

4. In the above referred backdrop, if the period of incarceration of the applicant is concerned, it is more than three years and there is no progress in trial.

5. It is informed that even the charge is not framed. There are total 26 witnesses and thus considering the pace with which the trial is proceedings, there is no end of the trial in sight.

6. Thus, considering the fact that the whole case is based on circumstantial evidence, I am of the opinion that considering the period of incarceration and the fact that there is no end of the trial in sight, this is a fit case for grant of bail.

7. The learned APP while opposing the application points out that there is one antecedent against the applicant on similar nature.

8. As I have observed that except the circumstantial evidence that the applicant was seen with the deceased on the date of the incident there is no other evidence against the applicant, the antecedent would not come in the way of the applicant to grant bail.

9. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that both the applicants be released on bail in Crime No.57 of 2021, registered with Jawahar Police Station, District : Palghar for the offences punishable under Sections 302 and 201 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 Jawahar, District: Palghar, 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 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.

10. The application is disposed of.

(ANIL S. KILOR, J)