

4. As far as the applicant is concerned, the witnesses have seen him standing near his motorcycle. Whereas, the spot of incident was at the distance from the motorcycle where the deceased and the co-accused were together.

4. Thus, considering the material available on record against the applicant and further the fact that there is no *prima facie* evidence to show his complicity in the alleged offence, there is a reasonable ground to believe that the applicant is not involved in the alleged offence.

5. In the circumstances, thought the learned APP is strongly opposing the application, I am of the opinion that this is a fit case for grant of bail.

6. Accordingly, 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.383 of 2023, registered with Vani Police Station, District : Nashik Gramin for the offences punishable under Sections 302 and 201 r/w. 34 of the Indian Penal Code and Section 4/25 of the Indian Arms Act, on furnishing PR.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) 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;

iv) 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;

v) 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)