

“3. The whole case is based on circumstantial evidence. As far as the applicant is concerned, he was arrested after 24 hours of the incidence and only circumstance against the applicant is that when he was arrested, he was wearing clothes having blood stains.

4. The CDR Report collected by the police shows that in this 24 hours he went to Pune and came back.

5. By profession he is a contractor and from a well to do family. Thus, prima facie it is improbable that he was wandering wearing blood stained clothes for 24 hours after the incidence.

6. Except the above referred circumstances, there is nothing against the applicant.

7. As far as motive is concerned, one criminal case was filed by the deceased against the applicant under section 324 of the IPC. However, in absence of any sufficient evidence against the applicant, it is not safe to prima facie say that because of criminal case filed by the deceased against the applicant under section 324 he committed his murder. Moreover, nothing is recovered from the applicant”.

5. In these circumstances, though the learned APP has strongly opposed the application, I am of the opinion that the applicant is entitled for grant of bail on the principles of parity. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in in Crime No.318 of 2023, registered with Karjat Police Station, Raigad, for the offences punishable under

Sections 302 and 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 attend the concerned 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;

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 to apply for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

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

The application is disposed of.

(ANIL S. KILOR, J)