

is harping on the fact that there was a dispute between the applicant and the deceased who was his real brother, as regards the agricultural land. Further, the prosecution has placed much reliance upon the recovery of iron rod and wooden log having bloodstains, allegedly used in the present offence.

4. The spot of occurrence is the house of the deceased. It is alleged that on the date of incident the applicant and the co-accused assaulted the deceased by the iron rod and wooden log and then he was taken on the motorcycle and thrown in the concrete canal.

5. Considering the story of the prosecution the clothes which were recovered from the applicant ought to have bloodstains. However, the recovery panchnama does not show that the clothes recovered from the applicant had any bloodstains.

6. As far as weapons are concerned, those were recovered from the open place and thus the above referred facts creates doubt about the prosecution story as against the present applicant.

7. The learned trial Court rejected the application on the ground of having CDR against the applicant. However, going through the CDR, it is evident that the CDR is dated 12.01.2023, whereas, the incident took place on 11.01.2023. Thus, there is no CDR available of the date of incident and time to prima facie show that the applicant was present at the spot.

8. In the circumstances, considering the fact that the charge-sheet has been filed and the applicant is in jail from last about 2 years, I am of the opinion that further custody of the applicant is not

required.

9. The learned APP, at this stage submits that the applicant and the witnesses are close relatives and there is every possibility the applicant may pressurize the prosecution witnesses and in that case there would be no fair trial, if the applicant is released on bail.

10. Thereupon, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter into the territorial jurisdiction of Mhasrul Police Station, District-Nashik City, till the conclusion of the trial, except for attending the trial.

11. Accordingly, I pass the following order:

ORDER

i) Criminal application is allowed;

ii) It is directed that the applicant be released on bail in connection with Crime No.13 of 2023, registered with Mhasrul Police Station, Dist: Nashik City for the offences punishable under Sections 302, 120(B) 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 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;

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 or if the applicant misuse of liberty;

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)