

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.39 of 2015, registered with Rajarampuri Police Station, Kolhapur, (C.R. No. 17 of 22 re-registered with Anti Terrorism Squad, Mumbai on 19/08/2022), for the offences punishable under Sections 302, 307, 120-B, 109, 201 r/w 34 of the Indian Penal Code and Sections 3(1) r/w. 25 (1B) (a), 5 r/w. 27 of the Arms Act.

3. Having gone through the charge-sheet and the relevant material collected by the investigating agency, it is evident that the FIR was registered on 16.02.2015, whereas the applicant, accused no. 12 was made an accused on the basis of the confessional statements of co-accused Vasudeo Suryawanshi and Sharad Kalaskar. The applicant came to be arrested on 06.09.2019, thus, he is in jail from more than 5 years. As far as the confessional statements are concerned, it is evident that those were given by the co-accused. Hence, while using the same against the applicant, the prosecution is required to bring on record the corroborative evidence.

4. Be that as it may, considering the allegations against the applicant, it is evident that it is of conspiracy. The whole case is based on the circumstantial evidence. The prosecution is further relying upon the statement of one Sagar Lakhe whose statement was recorded after more than 3 and ½ years of the incidence. No sufficient explanation has been offered for a delay in reporting the matter by Shri Sagar Lakhe to the investigating agency.

5. This Court has granted bail to the accused nos. 7 and 10 on the ground of long period of incarceration. Thus, I am of the opinion

that the applicant is entitled for grant of bail on the ground of parity.

6. In the circumstance, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.39 of 2015, registered with Rajarampuri Police Station, Kolhapur, (C.R. No. 17 of 22 re-registered with Anti Terrorism Squad, Mumbai on 19/08/2022), for the offences punishable under Sections 302, 307, 120-B, 109, 201 r/w 34 of the Indian Penal Code and Sections 3(1) r/w. 25 (1B) (a), 5 r/w. 27 of the Arms Act, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) If the applicant is not in jail in any other offence, on release of the applicant in the present crime, he shall attend Rajarampuri Police Station, Kolhapur on every 1st and 16th of each month between 10.00a.m. and 12.00 noon till conclusion of the trial, except on the date of trial of this case or any other case;
- 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 for cancellation of bail if the applicant breaches any condition or misuses the liberty or commits 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.

7. The application is disposed of .

8. In view of disposal of the main application, Interim Application No. 4908 of 2024 is also disposed of.

(ANIL S. KILOR, J)