

present applicant and other co-accused assaulted the son of the complainant by wooden sticks, spade, knife and sword and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The learned counsel for the applicant submits that this Court by order dated 12.09.2023 in Bail Application No. 902 of 2023, directed the trial Court to expedite the trial. It is submitted that inspite of said order, there is no progress in the trial. It is submitted that even otherwise, the incident was not premeditated. It is submitted that the applicant is in jail for five years and there are no other criminal antecedents against the applicant. It is thus, submitted that the applicant may be released on bail.

6. On the other hand, learned APP submits that the present applicant and other co-accused brutally assaulted the deceased by sword and knife. It is submitted that there are eye-witnesses to that effect. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The applicant is in jail for five years and the trial has not commenced, though this Court has expedited the trial. *Prima-facie*, the incident does not appear to be premeditated. Considering the overall facts, I am inclined to release the applicant

on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No.62 of 2020 registered at Neral Police Station, Dist. Raigad for the offences punishable under Sections 302, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code and Sections 37(1) and 37(3) of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of Karjat Taluka except to attend the dates before the trial Court till conclusion of the trial.

C] The applicant shall regularly attend the dates before the trial Court.

[N.R.BORKAR, J.]