

Appellant came to the house of the deceased and took him to his farm to help him to tie his cattle. However, the deceased did not return home at night and on the next day the dead body of the deceased was found in the well located in the agricultural land of the present Appellant. It is alleged that the Appellant committed the murder of the deceased as there was some monetary dispute between them.

5. I have heard Learned Counsel for the Appellant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2.

6. Learned Counsel for the Appellant submits that the case is based on circumstantial evidence. It is submitted that the statement of witnesses in relation to the alleged last seen circumstance are contradictory. It is submitted that the motive is also very weak. It is submitted that the Appellant is in jail for about nine months and the trial is still at the stage of framing of charge.

7. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2 submit that there are strong circumstantial evidence against the Appellant. It is submitted that at the time of incident, the deceased was only 15 years old. It is submitted that considering the nature of crime, the Appellant may not be released on bail.

8. I have perused the chargesheet. The motive for the alleged crime came to be attributed to the present Appellant after six days of the alleged incident. Admittedly, the case is based on circumstantial evidence. The

Appellant is in jail for nine months and the trial is at the stage of framing of charge. Considering the overall facts and circumstances, I am inclined to release the Appellant on bail, subject to certain conditions. Hence, the following order:-

ORDER

- i. The Appeal is allowed.
 - ii. The impugned order is set aside.
 - iii. The Appellant be released on bail in Crime No.677 of 2025 registered at Malegaon Taluka Police Station, District Nashik for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
 - iv. The Appellant shall not enter into the corporation limits of Malegaon till conclusion of the trial except to attend the dates before the trial court.
 - v. The Appellant shall not tamper with the prosecution evidence.
 - vi. Liberty is granted to the prosecution as well as the Respondent No.2 to file application for cancellation of bail in case the Appellant commits breach of any of above conditions.
9. The Appeal is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)