

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD

Common Order below Interim Bail applications (Exh.12,
13 and 14) (Neral C.R.No.22/2020) forwarded by
Superintendent of Talaja Jail, Navi Mumbai in Sessions
case No.07/2021

State of Maharashtra V/s. Dwarakanath Haribhau Borade
and 2

(Passed on 06/07/2021)

1] In view of High Power Committee dated 11/05/2020 and directions given by G.R.No.ILMO320CR58 Prison 2, dated 24/03/2020, Superintendent of Talaja Jail, Navi Mumbai and its corrigendum dated 18/05/2020, forwarded applications on 30/04/2021 for release accused persons namely Dwarkanath Haribhau Borade, Sameer Prakash Tandel and Sangam Sadanand Borade on executing their P.R. Bond for interim/temporary bail on the ground of Pandemic Covid-19. In these applications, accused persons shown their readiness to follow all the conditions given by this court if released them on interim/temporary bail.

2] Say of I.O filed vide Exh.15. Strong objection taken by the concerned I.O to release these accused persons on interim/temporary bail. If they released on interim bail then, possibility cannot be ruled out that, they will not turn

before court and will abscond which ultimately hamper the progress of the trial. Ld.A.P.P supported the say of concerned I.O.

3] I have gone through the application forwarded by the Superintendent of Talaja Jail, Navi Mumbai. No doubt, Superintendent of Talaja Jail, Navi Mumbai concerned with the health of prisoners from the Pandemic of Covid-19, but to release any accused, who is the culprit in serious offence, it is necessary to peruse the seriousness of offence, gravity of offence, possibility to turn before court by the accused and merit of the case.

4] I have gone through the record and found, they were arrested as allegations levelled against them that, they formed an unlawful assembly and tried to commit murder of injured Prakash Patil and threatened him and other witnesses. Accused Dwarkanath, Sameer and Sangam arrested on 09/02/2020, 08/02/2020 and 05/03/2020 respectively. More than one year and 4 months, they are behind bar. No purpose will suffice by keeping them behind bar.

5] Considering nature of offence and at present, injured is not admitted in hospital, so also, recovery of

weapon is already done. Charge-sheet filed before the court on 20/01/2021, but till date trial could not commenced. It cannot stated that, how much time will it require to commence trial. Since more than one year and 4 months, they are languishing behind bar. It is not proper to keep them behind bar for uncertain period in the second wave of Pandemic Covid 19. Under such circumstances, apprehension of prosecution that, they will tamper with witnesses can be taken care by imposing some harden conditions on them. Hence, I pass following order.

ORDER

1. Interim Bail Applications (Exh.12, 13 & 14) forwarded by Superintendent of Taloja Jail, Navi Mumbai is allowed for 45 days from the date of their release.
2. Applicant/accused - **Dwarkanath Haribhau Borade, Sameer Prakash Tandel and Sangam Sadanand Borade** be released on bail of the offences punishable u/secs.307, 326, 324, 143, 144, 147, 148, 149, 504 and 506 of Indian Penal Code, in crime No.22/2020, of Police Station, Neral on their executing bond of **Rs.25,000/- each with one solvent surety each** in the like amount with the following conditions that :-
 - a] They shall attend the court on each and every date without fail.
 - b] They shall not leave Raigad District without prior permission of this Court.
 - c] They shall not tamper or pressurize with the

informant and prosecution witnesses.

- d] Applicants/accused and their advocate shall undertake not to misuse of this privilege of interim bail.
 - e] They shall surrender themselves before the jail authority after completing their interim period of 45 days.
 - f] In the event, if accused persons did not surrender themselves before jail authority then, Superintendent of Talaja Jail, Navi Mumbai is directed to make arrangement to take accused persons in custody after interim period is over and report the same to this court.
- 3. If applicants/accused persons are unable to furnish any surety during the lock down period, then they are permitted to deposit surety amount of Rs.25,000/- each in the court and thereafter, they shall furnish surety in the like mount after lock down period is over before the court.
 - 4. The breach of above conditions shall lead to the cancellation of bail.
 - 5. Bail before concerned court.
 - 6. Copy of order be sent to Superintendent of Talaja Jail, Navi Mumbai immediately.
 - 7. Hamdast allowed.

Panvel
Date :- 06/07/2021

(Madhuri Anand)
Addl. Sessions Judge,
Panvel-Raigad

- 5 - Common order in interim bail applications
(Exh.No.12, 13 & 14 in S.C.No.7/2021)

Dictation started on 11.35 a.m.

Dictation concluded on 11.45 a.m.

Note : - Dictation given directly on dias computer.