

Order passed below Exh.51 in Sessions Case No.87/2018.

Piyu Popat Daulase (Bhil)

V/s.

The State of Maharashtra

1. Present application received to D.L.S.A., Dhule, from Jail authorities and accordingly D.L.S.A., Dhule, forwarded to this court for its disposal. By way of present application applicant/accused namely **Piyu Popat Daulase (Bhil)** requested for release him on interim bail in view of direction issued by Hon'ble Supreme Court in Suo-Motu Writ Petition (Criminal) No.1/2020.
2. Prosecution resisted to application by filing its say. It is contention of prosecution that offence is in serious nature, prima facie evidence against accused about his involvement. Alleged offence is punishable exceeding in imprisonment for the period of seven years. By saying so, prosecution requested for its rejection.
3. Read the application and say. Perused the investigation papers attached with chargesheet. Heard learned A.P.P. Shri.Purohit for the State.
4. During the course of argument, learned A.P.P. Shir.Purohit has submitted that offence is in serious nature, cold minded murder committed by accused. If relief in question allowed in favour of accused, then there is a possibility of his absconding, trial will hamper. By saying so, he requested for its rejection.
5. Considering the nature of application under consideration, it

is important to note here that Hon'ble High Power Committee in its meeting dated 11.05.2020 has given certain directions to release the Under Trial Prisoners who have been charged/booked for the offences for which prescribed punishment is more than 7 years (except those falling in the category of I.P.C. cases and Special Act cases given in the letter). Directions of the Hon'ble High Power Committee were communicated to District Court by Hon'ble Maharashtra Legal Services Authority vide its letter dated 14.05.2020. Subsequently, corrigendum dated 18.05.2020 to minutes of meeting of Hon'ble High Power Committee dated 11.05.2020 is also communicated to District Court, Dhule. The Committee has specifically clarified that cases of prisoners are to be considered for temporary release on case-to-case basis.

6. On careful perusal of investigation papers, there appears prima facie material on record concern with direct involvement of accused in commission of crime. Further, there appears reasonable ground for believing that accused has committed offence alleged against him. Accused is chargesheeted in respect of offence pun.U/Sec.302, 324, 323, 504, 506 r/w.34 of I.P.C.. Death punishment is provided for offence allegedly committed by accused. On the basis of material placed on record, in the investigation it allegedly transpired that accused assaulted over the person of informant by means of wooden rod of axe. Accused assaulted over the person of Devidas, who passed away later on. Accused assaulted over the person of both victims when they were sleeping. Accused and material witnesses resides in the same area and vicinity. If relief in question allowed in favour of accused, then there is a wider scope of causing danger to the life of informant, witnesses and accused vice-versa in order to taking revenge of each other. By clubbing all abovesaid facts, seriousness of crime, gravity of it and punishment provided in statute concern with the offence allegedly committed by

accused, no case is made out in favour of accused for seeking interim bail as requested. Hence, this court is not inclined to release applicant/accused on interim bail. In the result, I proceed to pass the following order :

ORDER

1. Application Exh.51 stands rejected.
2. Inform to Jail Authorities accordingly through D.L.S.A., Dhule.

Dated : 13.05.2021. (M.G.Chavan)
Additional Sessions Judge, Dhule.

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CERTIFICATE

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge - 4, Dhule.
P.D.F. Uploading Date : 13.05.2021.

Sd/- xxx
Stenographer(Grade-I)