

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
GONDIA.**

SESSIONS TRIAL NO.38/2020.

CNR :MHGO010002572020.

STATE -VRS- RAJU DUBEY + 2.

ORDER BELOW EXH.11.

(Passed on this 1st June, 2020)

1] Accused No.3 has filed this application for temporary bail by referring to the directions of Hon'ble Supreme Court in the special circumstances of COVID-19 pandemic situation.

2] According to accused, it is alleged that he has committed offence punishable under Section 307, 324, 452, 294, 143, 144, 146, 147, 148, 149 of the Indian Penal Code and Section 4 and 25 of the Arms Act. He is in custody for more than eight months. He has filed application for regular bail, which is pending. He has alleged that there is no material against him. He also referred to the directions of Hon'ble Supreme Court and the guidelines of High Power Committee and requested to grant interim bail.

3] Learned DGP has filed reply and requested to reject the interim bail by contending that regular bail application is pending.

4] Heard learned advocate for accused No.3 and learned DGP. Both of them have made reference to the

directions issued in Suo-Moto Writ Petition No.01/2020 dated 23/03/2020 and the guidelines of High Power Committee.

5] Following points arise for my determination, I have recorded my findings against them for the reasons to follow:-

<u>Points</u>	<u>Findings</u>
1. Whether the applicant/accused is entitled to get the benefit of directions of Hon'ble Supreme Court in Suo-Moto Writ Petition No.01/2020?	<u>In the Affirmative.</u>
2. What order?	<u>As per final order.</u>

REASONS

6] **AS TO POINT NO.1:-** As per the directions of Hon'ble Supreme Court in Suo-Moto Writ Petition No.01/2020 dated 23/03/2020 and the guidelines issued by High Power Committee of Maharashtra dated 11/05/2020 and corrigendum dated 18/05/2020, the accused who are in custody are entitled to be released on interim bail provided, they are not governed by the exception given in the guidelines of High Power Committee.

7] The allegations of having committed alleged

offences punishable under Section 307, 324, 452, 294, 143, 144, 146, 147, 148, 149 of the Indian Penal Code and Section 4 and 25 of the Arms Act are not covered under the exception given in the guidelines of High Power Committee. Therefore, the accused is entitled to get the benefit of directions of Hon'ble Supreme Court. Hence, I answer point No.1 in the affirmative and pass following order:-

ORDER

- 1] The application is allowed.
- 2] Accused be released on interim bail for 45 days on executing P.B. of Rs.25,000/- on the following conditions:-
 - i) He shall not tamper with the prosecution evidence in any manner.
 - ii) He shall not leave the jurisdiction of this Court.
 - iii) He shall not indulge in the criminal activities.
 - iv) He shall surrender himself before the Jail Authority after expiry of 45 days from the date of his release, without fail.

Gondia
Dated:-01/06/2020.

(Suhas V. Mane)
I/c Addl. Sessions Judge,
Gondia.