

**Order below Exh.57 in S.C. No.387/2016**

1] The applicant/accused Sambhaji Sadashiv Kamble has moved present application praying interim bail by extending the benefit of the guidelines given by the Hon'ble High Power Committee constituted as per directions of Hon'ble Apex Court in suo moto Writ Petition (Cri) No.1 of 2020, in Crime No.33/2016 registered with Alankar Police Station for the offence punishable under Section 302 read with Section 34 of Indian Penal Code, Section 4 read with Section 25 of the Arms Act and Section 37(1) read with Section 135 of the Bombay Police Act.

2] The Learned APP has stiff opposition to the application. As per say filed by the State, the matter is part heard. If the applicant/accused is released on bail, there is strong possibility of pressurizing the witnesses.

3] Heard Ld. APP for the State and perused written notes of arguments submitted on behalf of accused. The aforesaid applicant/UTP has been chargesheeted for the offence punishable under Section 302 of the Indian Penal Code inter-alia other offences. The case is part heard. Prosecution have examined two witnesses. The case is based upon direct evidence. The deceased was brutally murdered. The post-mortem report shows that the deceased had sustained 27 injuries. Prima-facie, there is direct evidence against the applicant/accused showing his involvement in this serious offence. No doubt, the aforesaid offence though does not fall under the offences in exception given by the guidelines of High Power

Committee, however, considering the gravity of the offence, stage of the trial and the facts and circumstances of case, it will not be just and proper to release the applicant/accused on bail. In the corrigendum dated 18.5.2020 of the Hon'ble High Power Committee, it is made clear that, case of every prisoner has to be considered on its own merits and decision is to be taken on case to case basis. Besides, the Hon'ble Bombay High Court in LD VC Bail Application No. 49/2020 has made it clear that it would be necessary to take into consideration the merits of the matter and gravity of the offence. The applicant/accused is facing trial for the offence punishable under Section 302 of IPC. The matter is part heard. The possibility of applicant/accused tampering the prosecution evidence, pressurizing the witnesses and absconding is difficult to be ruled out. Hence, this is not a fit case in which the applicant/UTP/accused could be released on bail. Hence, following order.

### **ORDER**

Application for interim bail stands rejected.

Date : 29/5/2020  
Place : Pune.

(Smt. S. R. Bhangdiya-Zawar)  
Additional Sessions Judge, Pune.

## CERTIFICATE

I affirms that the contents of this PDF file Order are same word for word as per original Judgment.

Name of Steno : Shri. G. M. Patil [ Grade - I ]

Court Name : Smt. S. R. Bhangdiya-Zawar  
Additional Sessions Judge, Pune.

Order Date : 29/5/2020

Order signed by  
Presiding Officer on : 29/5/2020

Order uploaded on : 30/5/2020