

ORDER BELOW EXH. 129 IN Spl. MCOOC Case NO. 39/2018

1. This is the application by accused applicant Rajesh Kamal Agarwal for temporary bail in connection with Cr. No. 10/2018 registered by Deccan Police station, Pune. The applicant/accused is booked for the offences p/u/section 302, 307, 120B, 201 of IPC, Section 3 r.w. 25, 27 of Indian Arms Act, Section 37(1)(3) r.w. 135 of Maharashtra Police Act, and Section 3(1)(i), 3(2), 3(3) 3(4) of MCOOC Act.
2. Perused the application and say given by Special P.P. on the overleaf.
3. No one is present for the applicant.
4. Applicant has moved this application on the ground of ill health of his wife having asthma so also his daughter aged 5 years is also not keeping well, so also he himself is suffering from high suger and low B.P. Apart from the said ground, he has claimed to be innocent and prayed for temporary bail.
5. Learned Special P.P. while opposing the present application, submitted that already bail application of the present applicant has been rejected on merits as well as on medical ground. He submitted that there is no change in circumstances so also no medical certificate of illness of wife and daughter is placed on record. Accused is charged with Section 302 of IPC and MCOCA and is trying to get benefit of present situation.
6. No documents are filed by applicant in support of the application. The illness of wife and daughter of accused applicant so also illness of applicant do not appear to be life threatening. As such, no case is made out for grant of temporary bail on the ground of ill health. So far as covid pandemic situation, I may note that the directions given by High Power Committee of the Hon'ble High Court are not applicable to the accused booked for MCOCA. Further application for regular bail Exh.106 and

application Exh.118 for temporary bail on the ground of covid pandemic are rejected by this court. As such, there is no question of temporary bail in view of Covid 19 pandemic. In the result application fails. Hence, I pass the following order :-

ORDER

1. The application Exh.129 for temporary bail filed by accused applicant Rajesh Kamal Agarwal in connection with Cr. No. 10/2018 registered by Deccan Police station, Pune, is rejected.

2. Jail administration is directed that in case if medical condition of the applicant demands so, he shall be taken to Sassoon General Hospital for check up and treatment, without waiting for any formal order from this court.

Pune
Dated : 09.09.2020

(Aniruddha Y. Thatte)
Special Judge under MCOCA, Pune.

CERTIFICATE

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

Name of Steno	Mrs. S.M. Khisti Stenographer Grade I
Name of Court	Shri. A. Y. Thatte, District Judge 12 and ASJ, Pune.
Date of Order	09.09.2020
Order signed by PO on	09.09.2020
Order uploaded on	09.09.2020