

ORDER BELOW EXH. 33 IN SESSION CASE NO. 503/2018

The State of Maharashtra Yerwada P Stn

Vs

Ajinkya Vijay Kamble etc

(CNR No.MHPU01-010296-2018)

Perused application moved by accused applicant Ajinkya Kamble in CR No. 275/2018 punishable under Sections 302,201,212 of the Indian Penal Code registered with Yerawad Police Station, District Pune.

2] Present application came to be forwarded through Jail Superintendent Yerawada Jail. By virtue of present application accused applicant prayed to release him on temporary bail in the background of spread of Covid 19.

3] Learned APP strongly objected the bail application, filed say at Exh.34. It is contention of Learned APP that High Power Committee give directions to release the accused in which the punishment is 7 years or more than 7 years. The charges levelled against accused are serious in nature and against the society. There is prima facie evidence against the accused. Previous bail application of accused and other accused i.e. regular bail and temporary bail under the situation of Covid 19 are rejected on merit. Accused would tamper with the prosecution evidence. On above grounds prayed to reject the applications.

4] Perused the entire record. It is evident that learned regular court have rejected earlier temporary bail application of accused

applicant vide order dated 21.12.2018. Charges levelled against accused applicants are punishable under Section 302 of the IPC.

5] Certain guidelines issued by Hon'ble High Power Committee dated 24.3.2020 for the under trial prisoners who have booked or charged for the offences having maximum punishment of 7 years or less be favorably considered for being released on interim bail or personal bond as may be determined for a period of 45 days or till such a time the said notification is issued. Subsequently, the High Power of Committee in its meeting dated 11.5.2020 has made its decision dated 23.5.2020 applicable also to the category of prisoners booked / charged for such offences for which maximum sentence is above 7 years except to those who are booked / charged under penal provision of Section 121 to 130, 303, 364 (A), 366, 366 (A), 366 (B), 367 to 374, 376 (a) to (e), 396, 489 (a) to (e) of Indian Penal code and other offences pertaining to bank scams and major financial scams. Further special category of offences like MCOC, TADA, COTA, UAPA, PMLA, MPID, NDPS (other than personal consumption), POSCO, Explosive Substances Act, Anti Hijacking Act and Foreign Nationals were also exempted.

6] It is further made clear by High Power Committee in view of corrigendum dated 18.5.2020 that decision and minutes of the meeting of High Power Committee cannot be considered as directions to release the class and category of the prisoners determined thereby eligible for temporary release and that the case of every prisoner shall be considered as on its merits so as to decide desirability of temporary release of such a prisoner.

7] At the outset, considering the charges levelled against accused applicant which are punishable under Section 302 of the IPC does not fall in any of the exception laid down in the decision of High Power Committee and he is eligible to file such application.

8] In the present case, it is gathered from the material on record that there is prima facie involvement of the accused in the offence of crime. Offence is serious in nature. There are no change in circumstances after rejection of earlier bail application of accused. Benefit of decision of High Power Committed cannot be extended straightway to the accused who has involved in the serious offence of murder. Considering the seriousness and gravity of offence and manner in which it is committed, I am not inclined to give the benefit of High Power Committee to the applicant. Hence, the order :

ORDER

1. Application Exh.33 stands rejected.
2. Inform the jail authority accordingly.

Pune.
Date : 21.5.2021

(Ashwini D. Lokhande)
I/c Additional Sessions Judge,
Pune

CERTIFICATE

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

Name of the Steno	:	Mrs. B.J. Khandre, Steno(Grade-I)
Name of the Court	:	Ashwini D. Lokhande, Ad-hoc District Judge-5 and Additional Sessions Judge, Pune.
Date	:	21.5.2021
Judgment / order signed by	:	
Presiding Officer on	:	21.5.2021
Judgment /order uploaded on	:	21.5.2021