

ORDER BELOW EXH. 5

1. Accused namely Swapnil Shivaji Gore is under trial prisoner in Spl.Pocso Case No. 491/2018 punishable under Section/s 354, 323, 504, 506, 452 of Indian Penal Code and under Section 8,12 of POCSO Act registered at Dattawadi Police Station C.R. No.378/2018.

2. In view of the decision of The Hon'ble High-Power Committee, which constituted by the Government of Maharashtra vide GR No JLM0320/CR58/Prison -2 dated 24th March, 2020 the Applicant/accused through his advocate has filed this application for interim bail on the circumstances presently prevailing in the State of Maharashtra outbreak of COVID 19 and lock down and the public announcement made by the Hon'ble Prime Minister of the country imposing a complete lockdown throughout the country and the Notification No.40-3/2020DM-I(A), dated 24th March, 2020 along with the annexure issued by the Ministry of Home Affairs, Government of India, New Delhi, subject to the conditions contained therein the wake of the threat of pandemic Corona Virus, will result in immobilization of the public at large. It is directed by the High-power Committee that under trial who have been booked for offences for which prescribed punishment is upto 7 years or less, with or without fine be released on interim bail on personal bond of such amount as may be determined, for a period of 45 days or till such time that the State Government withdraw the Notification under the Epidemics Act, 1987, whichever is earlier. It is also

directed by the Hon'ble High- Committee that the initial period of 45 days shall stand extended periodically in block of 30 days each, till such time the said notification issued (in the event the said notification is not issued within the first 45 days). The Undertrial prisoners shall report to the concern police station within whose jurisdiction they are residing, once every 30 days.

3. In the case at in hand the accused is alleged to have committed the offences punishable under sections 354, 323, 504, 506, 452 of Indian Penal Code and under Section 8,12 of POCSO Act punishment for the same is not more than 7 years with or without fine. Hence, the accused is entitled for interim bail on following conditions. In the result, following order is passed:

ORDER

The accused be released on interim bail on executing personal bond of Rs. 15,000/- for a period of 45 days or till such time that the State Government withdraw the Notification under the Epidemics Act, 1987, whichever is earlier on following conditions:

- a) The accused shall not tamper the prosecution evidence.
- b) The accused shall report to the concerned police station within whose jurisdiction he is residing, once in every 30 days in between 11.00 am to 12noon.
- c) The accused shall remain present before regular Court immediately after expiration of the initial period of 45 days of interim bail of the accused or until withdrawal of the Notification

issued by the State of Maharashtra under the Epidemics Act, 1987, whichever is earlier.

d) Issue release letter of the accused to the Jail Authority.

Date : 03/04/2020
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 : Other Steno/Clerk.

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

Order Date : 3/4/2020

Order signed by
Presiding Officer on : 3/4/2020

Order uploaded on : 6/4/2020