

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD

Sessions case No.65/2021

Order Below Exh.4

(CNR No. MHRG170006322021)

The State of Maharashtra V/s. Ali Rajha Shaikh and others

(Passed on 27/07/2021)

1] Applicant/accused - Tejas Danny Pinto has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/sec.307, 324, 143, 144, 149, 323, 504 of I.P.C and sec.3, 25 of Arms Act, in crime No.545/2020, police station Kamothe.

2] Perused application, say and record.

3] Ld. Advocate for applicant/accused submitted that, present incident occurred in the sudden provocation and scuffle. There was no intention and no motive. FIR does not show his direct role and involvement in this crime. Except accused Ali Rajha, Nandkishor, Tejas and Maddi, other accused persons discharged u/s.169 of Cr.P.C. This accused has criminal antecedents, hence he was not discharged. Three accused persons released on bail. The role of this accused is alike other co-accused, who were released on bail. He arrested on 27/12/2020. Since 7 months, he is behind bar. Sufficient time he has passed behind bar. Charge-sheet filed on

24/02/2021 before Ld.J.M.F.C court. Now, nothing remains to seize or interrogate from him. No purpose will suffice by keeping him behind bar for longer period. Lastly, prayed for his regular bail. To support his contention, Ld.Adv.for applicant/accused relied on the following citations -

1)	Akbar Husain Shafi Husain V/s. The Senior Police Inspect, Trombay Police Station and Anr. in Anticipatory Bail Application no.1188/2015 decided on 31/08/2015
2)	Maulana Mohd. Amir Rashadi V/s. State of U.P. & Anr in Criminal Appeal No.159/2012 (Arising out of S.L.P. (Crl.)No.10244 of 2010 decided on 16/01/2012
3)	Prabhakar Tewari V/s. State of U.P & Anr. in Criminal Appeal Nos.152/2020 (arising out of Special Leave Petition (Crl.) No.9207/2019) and Criminal Appeal No.153/2020 (arising out of Special Leave Petition (Crl.) No.9209/2019) decided on 24/01/2020.
4)	Hari Kishan and Anr. V/s. Sukhbir Singh & Ors. Reported in 1988 AIR 2127

5] Ld. A.P.P Shri.Bhopi strongly objected his regular bail on the ground that, many crimes registered against this applicant/accused. His active role reveals in FIR. Considering role and no criminal antecedents of co-accused persons, they were released on bail. Hence, prayed for rejection of his bail.

6] Needless to say that, in this matter as per say of

investigating officer, some crimes registered against this accused, but considering his role upto this crime, I do not find he may be kept in custody for longer period without trial, as it required some quality time for commencing its trial due to Covid situation. Though charge-sheet filed on 24/02/2021, but till date its trial could not commence by the reason of Covid 19. Some accused persons already released on bail. In this matter, except this accused Tejas and Ali Rajha, other co-accused persons discharged u/s.169 of Cr.P.C. The role of this accused alike role of other accused persons appears as per FIR. Only thing is, this accused has criminal antecedents. But, it is not the strong ground to keep him behind bar, particularly when, he is behind bar since 7 months and there is no possibility to commence its trial in nearby future. Apprehension of prosecution can be taken care by imposing some harden conditions on him. Hence, abovesaid discussion supra and considering the ratio of cited authorities, I pass following order.

ORDER

1. Regular Bail Application (Exh.4) is hereby allowed.
2. The applicant/accused - Tejas Danny Pinto be released on bail for the offence punishable u/sec.307, 324, 143, 144, 149, 323, 504 of I.P.C and sec.3, 25 of Indian Arms Act, in crime No.545/2020, of Police Station,

Kamothe, on his executing bond of Rs.25,000/- with one solvent surety in the like amount with the conditions that :

- a] He shall attend the court on each and every date without fail.
 - b] He shall not meet or pressurize with the informant and prosecution witnesses.
 - c] He shall not leave his concerned district without prior permission of this Court.
3. If applicant/accused is unable to furnish any surety during the lock down period, then he is permitted to deposit surety amount of Rs.25,000/-in the court and thereafter, he shall furnish solvent surety in the like amount after lock down period is over before the court.
 4. The breach of above conditions shall lead to the cancellation of bail.
 5. Bail before concerned court.
 6. Hamdast allowed.

Panvel,
Date : 27/07/2021

(Madhuri A.Anand)
Additional Sessions Judge,
Panvel-Raigad

Dictation started on : 1.30 p.m
Dictation concluded on : 1.45 p.m

Note :- Argument of both parties heard on 19/07/2021 and kept for case diary on 26/07/2021 and thereafter on 27/07/2021. Case diary produced today, hence order passed on 27/07/2021.