

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD**

**Common Order below application (Exh.20 to 22) in
Interim Bail filed by Superintendent of Talaja Jail, Navi
Mumbai**

Sessions case No.232/2019

(Passed on 30th May, 2020)

1] In view of High Power Committee dated 11/05/2020 and directions given by G.R.No.ILMO320CR58 Prison 2, dated 24/03/2020, Superintendent of Talaja Jail, Navi Mumbai forwarded applications on 16/05/2020 for release accused Jitudas @ Vishwajit Anil Manzi, Rajudas @ Buddhadev Anil Manzi and Vinod Anant Machkar on executing their P.R. Bond for interim/temporary bail on the ground of Pandemic Covid-19. In these applications, accused persons shown their readiness to follow all the conditions given by this court if released them on interim/temporary bail.

2] Say of I.O (Exh.23) filed on 21/05/2020. Strong objection taken by the concerned I.O to release these accused persons on interim/temporary bail by giving reason that accused Jitudas and Rajudas are the permanent resident of state of West Bengal and accused Vinod is the co-accused of this crime, though he is the permanent resident of Maharashtra State. They are suspects and culprits of the

serious offence of murder. If they released on interim bail then, possibility cannot be ruled out that they will not turn before court and will abscond to their respective states which ultimately hamper the progress of the trial. Ld.A.P.P Shri.Bhopi supported the say of concerned I.O.

3] I have gone through the record and applications forwarded by the Superintendent of Taloja Jail, Navi Mumbai. No doubt, Superintendent of Taloja Jail, Navi Mumbai concerned with the health of prisoners from the Pandemic of Covid-19, but to release any accused, who is the culprit in serious offence, it is necessary to peruse the seriousness of offence, gravity of offence, possibility to turn before court by the accused and merit of the case.

4] In view of the permanent residence of these accused persons, the apprehension of concerned I.O and Ld.A.P.P has substance that, they may not be turn before court and trial will be hamper. There is a possibility to create threat to not turn up in the State of Maharashtra if they, who are the permanent resident of state of West Bengal in the nearby future. If this situation arise, then our police machinery must overburdened to search and produce before court them.

5] I have gone through record and found, already

on dated 01/11/2018, Ld. D.J.1 and Addl.Sessions Judge, Alibag- Raigad granted the regular bail of accused Vinod Machkar on executing his P.R. bond of Rs.15,000/- with one surety in the like amount. Hence in my view, he is entitled for the benefit of interim bail as recommended by Supdt. Of Taloja jail. His possibility to abscond is least as he is the permanent resident of Dist.Thane.

6] However, it is not a fit case for accused Jitudas and accused Rajudas for benefit of the interim bail as recommended by Supdt. of Taloja Jail. If they released on the request of Superintendent of Taloja Jail on temporary bail then, possibility for their absconding cannot be ruled out due to which, pendency of cases will be raises before the courts and chaos will be raises in the police machinery.

7] Under such circumstances, I do not find any substance for the interim bail application of accused Jitudas and Rajudas, hencec the prayer for their interim bail as prayed by the Superintendent of Taloja Jail, Navi Mumbai is not considerable. Hence, their interim bail applications is not tenable having no merit and interim bail application of accused Vinod is tenable. Hence, I pass following order.

ORDER

1. Interim bail application of accused Jitudas

Manzi and Rajudas Manzi vide Exh.20 and 21
is rejected.

2. Interim bail application of accused Vinod Machkar vide Exh.22 is hereby allowed as per the same terms and conditions imposed by order dated 01/11/2018 passed by Ld. D.J.1 and Addl.Sessions Judge, Alibag-Raigad.
3. If accused-Vinod Machkar is unable to furnish any surety during the lock down period, then he is permitted to deposit surety amount of Rs.15,000/- in the court when he released on interim bail and thereafter, he shall furnish surety in the like amount after lock down period is over before the court.
4. Rest of terms and condition of order dated 01/11/2018 will remain as it is.
5. Copy of order be sent to Superintendent of Taloja Jail, Navi Mumbai immediately.

Panvel
Date :- 30/05/2020

(Madhuri Anand)
Addl. Sessions Judge,
Panvel-Raigad