

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

**Common Order below applications (Exhs.7 to 10) in
Interim Bail filed by Superintendent of Taloja Jail, Navi
Mumbai**

Sessions case No.533/2019

(Passed on 27th 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 Taloja Jail, Navi Mumbai forwarded applications on 16/05/2020 for release accused Mallu Mahadev Appa Pujari, Ghanshyam Sundar Chandrakar, Babu Nirmal Bishwas and Jitendra Ganesh Yadav 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 filed on 22/05/2020. Strong objection taken by the concerned I.O to release these accused persons on interim/temporary bail by giving reason that they are the resident of different states and they are the 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] On perusing record, prima-facie it appears, accused Mallu is the permanent resident of Dhangarwadi, Tah.-Sitapur, Dist.Gulbarga(Karnataka-State). Accused Ghanshyam is the permanent resident of Raitrakala, Tah.-Lodavi, Dist.Mungeli, State-Chhattisgarh. Accused Babu is the permanent resident of Talapar, Tah.Taherpur, Dist.Nodia, State - Chovis Pargana and accused Jitendra is the permanent resident of Mengar, Dist.Azamgadh, State Uttar Pradesh.

5] 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 these accused persons, who are the permanent resident of other states in the nearby future. If this situation arise, then our police machinery must overburdened to search and produce before court these accused persons. Moreso, one eye witness specifically deposed he had seen accused Mallu and Babu alongwith other four co-accused were beaten to one person very badly. Hence, to determine their involvement and their participation and role in the said crime needs complete trial. 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.

6] On going through record it appears, most of the case based on circumstantial evidence, but the statement of eye witness named Mohammad Altaf Shaikh Siddiqui is the material piece of evidence which cannot be overlooked or oversighted. Under such circumstances, I do not find at this stage and in the serious offence of murder, the suspects, culprits of the crime may be released on interim bail as prayed by the Superintendent of Taloja Jail, Navi Mumbai. Hence, their respective bail applications are not tenable having no merit. Hence, I pass following order.

ORDER

1. Respective bail applications are rejected.
2. Copy of order be sent to Superintendent of Talaja Jail, Navi Mumbai immediately.

Panvel
Date :- 27/05/2020

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