

Order below Exh. 62 – 1 – Sessions Case No. 68/2019

Order below Exh. 62 in Sessions Case No. 68/2019

1. Perused letter issued by Member Secretary of Maharashtra State Legal Services Authority dated 14-05-2020 based on minutes of the High-Power Committee meeting dated 11-05-2020 pursuant to the report dated 10-05-2020.
2. Perused application of prisoners forwarded by District Legal Services Authority, Ratnagiri along with say of Authority. Accused is facing trial before this court u/section 302, 341 r.w.s.34 of **Indian Penal Code and 3/25 of Indian Arms Act and section 135 of Maharashtra Police Act.**
3. Recommendations for releasing under trial prisoners booked/charged for offences having sentence less than seven years were considered in the meeting dated 25-03-2020, whereas under trial prisoners booked/ charged for offences having sentence more than seven years were considered in the meeting dated 11-05-2020.
4. Serious situation has arisen in our State as prison inmates, officers and staff of prison serving in some prisons of the Maharashtra State have been infected by COVID-19 and due to pandemic, there is distinct possibility of such situation arising in other prisons too. Considering this difficulty several directions are issued by Hon'ble High Power Committee by way of this letter to release under trial prisoners by excepting cases as follows.

Order below Exh. 62 – 2 – Sessions Case No. 68/2019

(1) Indian Penal Code

- a) IPC-Chapter VI-Offences against State-IPC 121 to 130
- b) IPC-303
- c) IPC-364(A), 366, 366(A), 366(B), 367 to 373
- d) IPC-376,376 A,C,D,E
- e) IPC-396
- f) IPC-489A,B,D
- g) Bank Frauds and Major Financial Scams

(2) SPECIAL ACTS

- a) MCOC, TADA, POTA, UAPA, PMLA, Explosives
- b) NDPS (Other than personal consumption)
- c) MPID
- d) POCSO
- e) Foreigners in Prison.

5. No doubt, case of present accused does not come within ambit of exceptions. However, while giving such recommendations, discretion is also made available and such observations are marked in para 6 of the minutes of meeting.

“We make it clear that notwithstanding the decision of this Committee dated 25-03-2020 and the present decision, it would be open to such prisoners to apply for interim bail on the same terms as mentioned in the decision of this Committee dated 25-03-2020 to the concerned Court and orders may be passed after considering the facts and circumstances of the case and examining the medical reports and other relevant records.”

6. Even perused directions of Hon'ble **Bombay High Court** in the matter of **Mahesh Patil vs State** , LD VC Bail Application no.49 of 2020 dt 15.05.2020, I view that, this Court has discretion even to reject the application of the prisoner, if circumstances and facts are serious. In present matter, accused is arraigned for committing murder of one Bhikaji Krishna Kambale. It is alleged by prosecution that accused was willing to marry daughter of deceased and due to said enmity he committed cold blooded murder. Now trial has commenced.

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Till date 6 witnesses are examined by the prosecution. Offence is very serious in nature. Considering seriousness of offence, it is not proper to release the prisoners on bail, otherwise they would pressurize the witnesses and it would seriously affect the fate of the case.

7. Bail applications of this accused are already rejected on merits and reasons mentioned in those orders are sufficient to hold that said benefit cannot be granted in their favour. Hence, I pass following order.

Order

1. Application of accused forwarded by Jail Authority is rejected.
2. Inform Investigating Officer, DLSA and Jail Authority.

Date:-20/05/2020

(L.D.Bile)

Additional Sessions Judge, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Sessions Case No. 68/2019
Name of Stenographer	:-	Mrs.V.S.Kulkarni.
Name of Court	:-	Additional Sessions Court, Ratnagiri.
Date of Dictation	:-	20/05/2020
Order signed by the P.O. on	:-	20/05/2020
Order digitally signed by the P.O.on		30/05/2020
Order uploaded on	:-	30/05/2020