

Order below Exh.85 in Sessions Case No.68/2019

1. Perused application of prisoner, letter issued by Member Secretary of Maharashtra State Legal Services Authority dated 10-05-2021 based on minutes of the High-Power Committee meeting dated 11-05-2020 pursuant to the report dated 10-05-2020.
2. Impugned application of prisoner is forwarded by District Legal Services Authority, Ratnagiri along with positive remarks to release the prisoner. Accused is facing trial before this court under section 302 of Indian Penal Code.
3. Recommendations for releasing under trial prisoner 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 the 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 certain cases.

5. Case of present accused does not come within ambit of above said exceptions. Initially bail application on similar grounds was filed by prisoner but it was rejected by this court by considering seriousness of this case. In this case now trial has commenced. 7 witnesses are examined. Accused has committed murder of one Bhikaji Krishna Kambale, who was father of a girl with whom accused was willing to marry. Considering seriousness of this offence, it is not proper to release the prisoner on bond, otherwise he would pressurize all witnesses and it would seriously affect the fate of the case. I also rely on the precedent of Hon'ble Bombay High Court in the matter of Mahesh Patil Vs. State of Maharashtra LDVC bail application No.49/2020 decided on 15-05-2020 and assume that this Court has jurisdiction to reject the bail application in view of guidelines of 25-03-2020. I pass following order.

Order

1. Application is rejected.
2. Inform Investigating Officer, DLSA and Jail Authority.

Date:-13/05/2021

(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	:-	13/05/2021
Order signed by the P.O. on	:-	13/05/2021
Order uploaded on	:-	13/05/2021