

ORDER BELOW APPLICATION (EXHIBIT 20) IN
SESSION CASE NO. 69/2021
(STATE VS. MANISHA)
(PASSED ON : 10/06/2022)

Nature of the Application.

1. This is an application filed by the accused-Manisha Bhima Dhane (for short 'accused') to extend period of interim/temporary bail under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') in Crime Register (for short 'C.R.') No. 220/2021 registered at Mangalwedha police station under Sections 302 and 120-B read with Section 34 of the Indian Penal Code (for short 'I.P.C.').

Contents in the Application.

2. The accused has contended that she has undergone various medical examinations and some more investigations are required to be done. Therefore, it is necessary to extend the period of interim bail granted in her favour.

3. If the application is granted she is ready to abide by the conditions imposed.

4. On these grounds the accused has prayed to grant the application.

Contents in the Reply of the Additional Public Prosecutor.

5. The Additional Public Prosecutor (for short 'A.P.P.') has filed say.

6. The A.P.P. has prayed to pass appropriate order after considering the reports.

The Arguments.

7. I have heard Shri. D. A. Yadav, advocate for the accused and Shri S. V. Wangikar, Additional Public Prosecutor (for short

'A.P.P.') for the prosecution, in extenso.

8. They argued in consonance with their contentions in the application, say and keeping in mind the established principles of Law.

9. In order to avoid repetition it is not necessary to note the arguments.

Points and Findings.

10. Upon hearing the following points arise for my consideration and I record my findings thereon as under for the reasons to follow :-

	Points	Findings
1)	Whether a case has been made out by the accused for extending the period of the interim bail granted in her favour, as prayed for ?	Yes, partly.
2)	What order ?	Application Granted party. As per final order.

Reasons as to Point Nos. 1 and 2.

11. Before proceeding to discuss the question of entitlement of the accused for temporary/interim bail for better appreciation, let me refer the following rulings :-

(i) Raisa Begum Vs. State of U.P., 1995 Cr.L.J. 1067

(All.), wherein the Hon'ble High Court has observed :-

“The Court which has authority to try an issue and grant a relief has authority and jurisdiction to consider and dispose of all incidental questions pertaining to it. If a Court has authority to decide the bail matter, it has authority to consider a temporary/interim bail or parole or dealing with

the custody of the accused and manner of it till the required material is collected."

(ii) Haji Peer Bux Vs. State of U.P., 1993 Cr.L.J. 3574

(All.), wherein the Hon'ble High Court has observed :-

"The Courts possess jurisdiction to release an accused on temporary/interim bail pending final disposal of the bail application. No hard and fast rules can be laid down in this regard. But release on temporary/interim bail is no ground for grant of bail, which has to be made only on merits."

12. Admittedly, the accused has undergone various tests since 17/05/2022 as is clear from the documents (Exhibit 15/1 to 8). Now, some more tests are to be conducted on 09/06/2022 and 22/06/2022 as is clear from the documents (Exhibit 21/1). After considering these facts and circumstances I, therefore, deem it necessary and just to extend the period of interim bail granted in favour of the accused by imposing stringent conditions. Therefore, in the interest of justice if the accused is allowed to undergo various tests at Mumbai i.e. to say for the period from 10/06/2022 till 25/06/2022 upto 11.00 a.m. sharp, no harm or injustice will be caused to the prosecution and it will not create any hurdle in the trial.

13. Considering the above-mentioned facts and circumstances of the case, I am inclined to grant the application seeking extension of interim bail, partly.

14. Accordingly, I answer point No.1 in the affirmative, partly and point No. 2 as application granted, partly, as per final order.

15. I leave open the contentions of the parties on the merits of the trial.

16. In the result, following order

ORDER.

1.	The application is granted, partly.
2.	The interim bail granted in favour of the accused-Manisha Bhima Dhane in Crime Register No. 220/2021 registered at Mangalwedha police station (Session Case No. 69/2021) is extended from 10/06/2022 till 25/06/2022 upto 11.00 a.m. sharp
	(i) The accused shall surrender before the Superintendent, Solapur District Prison on or before 25/06/2022 11.00 a.m. sharp.
	(ii) The all other conditions imposed while granting interim bail application on 11/05/2022 shall stand.
3.	The surety of the accused-Manisha Bhima Dhane is directed to submit fresh bond on or before 13/06/2022.
4.	The breach of any of the conditions or in case of violation of any of the conditions imposed, the personal bond of the accused and the surety bond of the surety shall be liable to be forfeited.
5.	The Superintendent, Solapur District Prison, be informed accordingly via mail.
6.	The Superintendent, Solapur District Prison, is directed to inform compliance of the order.
7.	The concerned police station be informed, accordingly.

(Pronounced in Open Court).

Date : 10/06/2022.

(M.B.Lambe),
Additional Sessions Judge,
Pandharpur.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order is same word to word as per the original Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni
- (b) Court : M. B. Lambe,
District Judge – 1 &
Addl. Sessions Judge, Pandharpur.
- (c) Order signed by P.O. on : 10/06/2022
- (d) Order uploaded on : 13/06/2022