

ORDER PASSED BELOW EXH. 31 IN SESSION CASE NO. 131/2018

(State of Maharashtra Vs. Prasad Prakash Kulkarni)

1) This is an application for grant of temporary bail pending trial in connection with C.R.No. 204/2018 registered with Shahupuri Police Station Satara for the offences punishable under Sections 302, 212, 120(b) r/w. 34 of Indian Penal Code, 1860. The earlier regular bail application filed by the present applicant/accused was rejected by this Court on 26th March, 2019 on merit.

2) According to the Prosecution, the present applicant along with the other accused were prosecuted for having committed the offence of dacoity punishable under Section 395, 397 of Indian Penal Code, 1860. The matter of said offence was pending before this Court. It is said, applicant and his associates were pursuing the victim of that crime for getting it settled/compromised amicably, but upon denying the proposal of this applicant by victim, he got annoyed, then hatched conspiracy with friends to put pressure on the victim and assaulted him by means of iron rod.

3) It is the contention of applicant that, he is in prison since his arrest, he be released on temporary bail in view of guidelines issued by the Hon'ble High Power Committee constituted by the Government of Maharashtra pursuant to the order dated 23rd March 2020 passed by the Hon'ble Supreme Court of India in Suo-Moto Writ Petition (Criminal) No. 1 of 2020.

4) Prosecution filed reply and contested the application. It is submitted on behalf of the Prosecution that, the offence committed by the accused is premeditated and anti social. The FIR, various panchnamas and statement of witnesses reflects the

fact about involvement of applicant in the present crime. In case of grant of temporary bail, the tampering of Prosecution witnesses, attempt to pressurise the prosecution witnesses, winning over the witnesses and efforts to vanishing the evidence of Prosecution witnesses by the accused directly or indirectly cannot be ruled out. The offence committed by the applicant is punishable more than 7 years. In case of grant of temporary bail, the applicant may flee away from the clutches of law and in that scenario justice is likely to be delayed. The application is filed only with a oblique motive to get rid of detention in prison under the guise of decision of Hon'ble High Power Committee. Hence, prayed for rejecting the temporary bail application.

5) Heard Ld. Advocates for the applicant/accused and Ld. APP for the State/Prosecution.

6) Perused the record. It appears that, the Jail Superintendent, Satara has filed report against the applicant/accused and submitted that, his conduct in jail with inmates is not good. This is his second offence, he has criminal antecedents. Perusal of FIR and statements of witnesses, there is sufficient, direct and consistent evidence available against him. The offence committed by the applicant is of serious nature. Looking to the actual role assigned to the present applicant and his past conduct. It is not just and proper to release the applicant on temporary bail. In my humble judgment, the applicant is not entitled to be released on bail solely on the ground of decision taken by the Hon'ble High Power Committee. Hence, the application is deserves to be rejected. Hence, order.

ORDER

1) Application (Exh. 31) is hereby rejected.

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2) Aforesaid applications are disposed-of accordingly.

Place : Satara
Date : 22nd May, 2020.

(Nandkishor L. More)
Addl. Sessions Judge
Satara

Dictated on	22/05/2020
Typed on	22/05/2020
Signed by ASJ	22/05/2020