

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 BAIL APPLICATION NO.1251 OF 2020

SHAIKH REHAN SHAIKH PASHU
VERSUS
STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Govind A. Kulkarni h/f
Deshmukh Devang R.

APP for Respondent : Mr. S B Narwade

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CORAM : V.K. JADHAV, J.

Dated: December 16, 2020

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PER COURT :-

1. Heard learned counsel for the applicant, at length.
2. In terms of the guidelines issued by the High Powered Committee dated 11.5.2020 and subsequent Corrigendum, the applicant, who is a under trial in connection with the crime No.508 of 2019 registered with Cidco police station, Aurangabad City, District Aurangabad for the offence punishable under section 302 of the Indian Penal Code has filed an application Exhibit 8 for temporary bail so also the jail authorities has forwarded his application for temporary bail, which is marked as exhibit 6. By common order dated

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4.6.2020 Additional Sessions Judge-6, Aurangabad below Exhibits 6 and 8 in Sessions Case No.37 of 2020 has rejected the said applications.

3. Learned counsel for the applicant submits that the applicant was found to be COVID-19 Positive and he was referred to the Hospital through Jail. His health condition is not good. Learned counsel submits that the applicant is in jail in connection with the crime since long and, though on earlier occasions his application seeking bail came to be considered on merits up to this Court, his application seeking temporary bail should have been considered by the trial court.

4. Learned APP has strongly resisted the application on the ground that this Court by order dated 9.9.2020 in bail application no.774 of 2020 has disposed off the application filed by the present applicant for bail as withdrawn. Even, in the said application, the applicant has not raised any health issue. Learned APP submits that prima facie, there is strong case against the

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applicant. There is a possibility of tampering with the prosecution evidence, if the applicant is enlarged on bail. The application may be rejected.

5. As per the application filed by the applicant exh.8 he was found Covid-19 positive on 28.5.2020. There is no reason to call for the present health condition of the applicant. The applicant must have been recovered from it. Even, the applicant has not raised his health issue as one of the ground in his application bearing BA No.774 of 2020 which is dismissed by this Court as withdrawn. I have carefully gone through the contents of the FIR. It appears that the main role is ascribed to the applicant. The applicant has inflicted blows on the abdomen of the deceased with the help of sharp weapon. Prima facie, there is strong case against the applicant. Furthermore, considering the allegations made in the complaint, there is strong possibility of tampering with the prosecution evidence. In view of the same, there is no reason to consider the application of the applicant for temporary bail on either of the

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grounds.

6. In a case of Peoples Union Civil Liberties and Anr. Vs. State of Maharashtra and ors. in PIL-CJ-LD-VC-2 of 2020 with connected matter the Division Bench of this Court headed by the Hon'ble the Chief Justice, it is held that *“even though the High Powered Committee has delineated categories of under-trial prisoners who would be entitled to release on interim bail, we are of the opinion that the relevant courts are not supposed to act as mere post offices and allow applications without application of mind. We have no doubt in our mind that in the light of the guidelines issued by the High Powered Committee, the relevant courts, to the best of its ability and with the resources available at its disposal, have seen striving to take appropriate steps to dispose of as many applications for bail as possible in accordance with law and in the light of the guidelines of the High Powered Committee. No direction as such is required to be made, since we hope and trust that no application for bail shall be kept*

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pending unnecessarily.”

7. Thus, considering the entire aspect of the case, I am not inclined to release the applicant on temporary bail. Hence, following order.

O R D E R

- I. Application is hereby rejected.
- II. Application is accordingly disposed off.

(V.K. JADHAV, J.)

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