

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1533 OF 2020

Nisha
S.
Chitnis

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Nisha S.
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Gangaprasad Jamnaprasad Pandey @
Ganga Sagar Pandey

.Petitioner

Vs.

The State of Maharashtra

.Respondent

Mr. Akhilesh M. Chaubey i/b. AVC & Associates, Advocate, for the
Petitioner

Mr. R. M. Pethe, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.07.2020

(THROUGH VIDEOCONFERENCING)

P. C.

. Heard learned counsel for the Petitioner and the learned
APP for the Respondent – State.

2. By this Petition, the Petitioner seeks relaxation /
modification of condition Nos. 1(a), 1(b) and 1(g) of the Order dated
09.06.2020 passed by the learned Sessions Judge below Exh. 3. Learned
counsel for the Petitioner states that the Petitioner was released on
interim bail vide order dated 09.06.2020 having regard to the present
COVID-19 pandemic situation and the guidelines of the High Power

Committee of the Maharashtra State on certain terms & conditions. He submits that since the Petitioner was released on interim bail, the learned Judge was not justified in imposing condition of depositing a total of Rs. 11,00,000/-, vide Clauses (a) & (b). He further submits that the Petitioner was granted interim bail having regard to the present COVID-19 Pandemic situation and guidelines of the High Power Committee of the Maharashtra State and not on merits and as such, the said conditions ought not to have been imposed. Learned counsel prays for relaxation of the said conditions.

3. Learned APP does not dispute the fact that the interim bail granted to the Petitioner was not on merits and was having regard to the present COVID-19 Pandemic situation and guidelines of the High Power Committee of the Maharashtra State.

4. Perused the papers, in particular, the order dated 09.06.2020 passed by the learned Sessions Judge below Exh. 3. It is not in dispute that the Petitioner's Anticipatory Bail has been rejected by the Sessions Court on merits. It is also not in dispute that the Sessions Court released the Petitioner on interim bail looking to the present COVID-19 pandemic situation and guidelines of the High Power Committee of the

Maharashtra State. The Petitioner vide the said order dated 09.06.2020 was released on executing P. R. Bond in the sum of Rs. 25,000/- and on furnishing one or more solvent surety / sureties of like amount on certain conditions i. e. condition Nos. 1(a) to 1(i). The Petitioner is aggrieved only by condition Nos. 1(a), 1(b) and 1(g). The said Clauses of the order dated 09.06.2020 are reproduced hereinunder;

“1(a) He shall immediately deposit Rs. 5,50,000/- (Rupees Five Lacs Fifty Thousand Only) with the Dahisar Police Station;

1(b) He shall deposit Rs. 5,50,000/- within next one month with the said police station or if the regular Court is started, then with the Court;

1(g) Cash bail is allowed subject to deposit Rs. 5,50,000/-.”

5. As observed hereinabove, the Petitioner was granted interim bail not on merits but having regard to the present COVID-19 Pandemic situation and guidelines of the High Power Committee of the Maharashtra State and as such, the said conditions 1(a), 1(b) & 1(g) ought not to have been imposed on the Petitioner whilst granting interim bail. As noted above, the interim bail is not on merits and therefore, the said conditions imposed were not justified.

6. Accordingly, the Petition is allowed and condition Nos. 1(a), 1(b) & 1(g) of the order dated 09.06.2020 passed by the learned Sessions Judge below Exh. 3 are relaxed completely. It is made clear that this Court has not gone into the merits of the case and has relaxed the said conditions i. e. condition Nos. 1(a), 1(b) and 1(g), considering the fact, that the Petitioner was released on interim bail not on merits but only having regard to the present COVID-19 Pandemic situation and guidelines of the High Power Committee of the Maharashtra State.

7. Accordingly, the Petition is disposed of.

All concerned to act on the copy of this order, digitally signed by the Personal Assistant of this Court.

(REVATI MOHITE DERE, J.)