

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LD-VC-CRIMINAL APPLICATION (BA) NO. 558 OF 2020
(Ashish @ Pahalwan s/o Ramesh Mokalkar, Akola Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.M. Tahaliyani, Advocate for the applicant.
Shri N.R. Rode, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 06, 2020.

Heard Shri Tahaliyani, learned counsel for the applicant and Shri Rode, learned A.P.P. through video conferencing.

2. Learned counsel for the applicant submits that the learned trial Court rejected the interim bail to the applicant despite the circular issued by the Member Secretary, Maharashtra State Legal Services Authority, which relates to releasing the under trial prisoners for a period of 45 days due to outbreak of pandemic.

3. He drew the attention of this Court to the reports published in the newspapers with regard to the COVID-19 situation in District Jail, Akola.

4. The reason to reject the interim bail for 45 days to the applicant, as per the impugned order, is that the applicant has failed to bring any substantial material before the learned Sessions Court to show that any of the inmate or jail employee or officer is

suffering from COVID-19.

5. Learned counsel for the applicant submits that the reports in the newspapers were not accessible to the applicant and hence, those reports could not be produced during the hearing of the application before the learned Sessions Court.

6. The learned counsel for the applicant could not produce before this Court the circular on the basis of which the applicant claims to be released on an interim bail.

7. In this view of the matter and in the fitness of things, it would be appropriate if the applicant again approach the Sessions Court with all materials and the learned Sessions Court is requested to reconsider the application expeditiously on the basis of material before it. It is ordered accordingly.

8. The Criminal Application is disposed of in the above terms.

9. This order be communicated to the learned counsel appearing for the parties, either on the email address or on whats app or by such other mode, as is permissible in law.

JUDGE