

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

917 BAIL APPLICATION NO.1184 OF 2021

**YUVRAJ SHAHURAJ KALE
VERSUS
THE STATE OF MAHARASHTRA**

Smt. Tanvi V. Jadhav, Advocate for the applicant
Shri. G. O. Wattamwar, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 25th NOVEMBER, 2021

PER COURT :-

1. Heard.
2. Applicant has moved this application for releasing him on interim bail in view of on going pandemic and guidelines issued by High Power Committee dated 11th May, 2020.
3. Applicant is facing trial for the offence punishable under Section 302 of the Indian Penal Code, his application for interim bail came to be rejected by the Additional Sessions Judge, Osmanbad vide order dated 7th May, 2021 on the ground that Jail Authority did not inform that any prisoner is suffering from Covid-19 and that applicant may

not be available for trial. High Power Committee's directions have made certain exceptions for releasing the accused on bail. In case of Indian Penal Code, in following sections accused cannot be released on temporary bail.

“(1) Indian Penal Code

a) IPC – Chapter VI-Offences against State –
IPC 121 to 130

b) IPC -303*

c) IPC – 364(A), 366, 366(A), 367 to 373

d) IPC -376, 376A, C, D,E

e) IPC- 396

f) IPC- 489A, B, D

g) Bank Frauds and Major Financial Scams

(*though held unconstitutional, these accused are hardened repeat offenders)”

4. Section 302 of the Indian Penal Code is not within the exception. No extraordinary circumstance is brought on record to make him disentitled to avail of the benefit of these directions.

5. Learned APP Shri. Wattamwar submits that now there is no Covid-19 patient in Osmanabad prison. He submits that if applicant is released on bail, he may pressurize the witnesses. Learned counsel Smt. Jadhav states that applicant will not enter the village till interim bail

is enforced. In view of this, following order is passed.

ORDER

1. Application is allowed.
2. Applicant be released on interim bail for a period of 45 days from today on his furnishing PR bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount in connection with CR No. 30 of 2020 for the offence under Section 302 of the Indian Penal Code registered with Bembli Police Station, Dist. Osmanabad and on condition that he shall not enter the village Parunagar, Murud, Dist. Latur and shall report to the prison on expiry of 45 days and shall not pressurize the witnesses.

[M. G. SEWLIKAR, J.]

ssp