

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

**INTERIM APPLICATION NO. 1449 OF 2021
IN
CRIMINAL BAIL APPLICATION NO. 208 OF 2021**

Abhay Ramchandra Kulkarni

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Nilesh Tribhuvann, Mr. Burzin Bharucha, Ms. Alisha Pinto, Mr. Jehan Fulwadiwala i/b White and Brief Advocates and Solicitors, for the applicant.

Ms. Pallavni N. Dabholkar, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 11th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The applicant is in custody in connection with C.R. No. 298 of 2019 registered at Sahakarnagar Police Station for the offences punishable under sections 306, 504 and 507 of the Indian Penal Code and under Section 39 of the Maharashtra Money Lending Act, 2014.

2. The applicant was arrested on 18/04/2019. The Bail application No. 208 of 2021 filed by the applicant is still pending before this Court. The applicant has

preferred Interim Application No. 1449 of 2021 in the Bail Application No. 208 of 2021 for granting him interim bail.

3. Learned Counsel for the applicant submitted that he was granted temporary bail by the Additional Sessions Judge, Pune vide Order dated 28/05/2020 passed below Exh. 7 in Sessions Case No. 866 of 2019 because of outbreak of Covid-19 pandemic. He submitted that the Hon'ble Supreme Court in the Order dated 07/05/2021, passed in Suo Motu Writ Petition (C) No. 1 of 2020, has mandated that such prisoners who were granted similar relief by previous orders should be granted the same relief. The relevant directions are mentioned in paragraph No. 11 of the said order.

4. Learned APP left the matter to the discretion of the Court.

5. I have considered these submissions. Paragraph No. 11 of said order reads thus:-

“Third, due to the immediate concern of the raging pandemic, this Court has to address the issue of de-congestion. We find merit in the submission of Mr. Colin Gonsalves, learned Senior Counsel appearing on behalf of the applicant, that the High-powered committee, in addition to considering fresh release, should forthwith release all the inmates who had been released earlier pursuant to our order 23.03.2020, by imposing appropriate conditions. Such an exercise is mandated in order to save valuable time.”

6. In view of this clear mandate and order passed by Additional Sessions Judge as referred to hereinabove, the applicant deserves to be released on temporary bail. Hence the following order.

ORDER

1. The accused is ordered to be released on temporary bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand Only) and furnishing cash bail of the same amount.
2. The accused is released on temporary bail for a period of 45 days from his actual release.

3. The applicant is directed to report to concerned Police Station once in 15 days till he is on bail. The applicant shall follow all the medical protocol in respect of spread of Covid-19.
4. At the end of 45 days from his release on bail, the applicant shall surrender before the Police Authorities.
5. The Criminal Bail Application No. 208 of 2021 shall be considered after the applicant surrenders at the end of temporary period of bail granted to him.
6. The applicant is at liberty to get Bail Application No. 208 of 2021 circulated once the applicant surrenders.
7. Interim Application No. 1449 of 2021 stands disposed of accordingly.

(SARANG V. KOTWAL, J.)