

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Interim Application No. 1481 / 2021

in

Bail Application No. 55 / 2021

Ritesh Sureshchandra Patel

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Mrunal L. Jadhav, Advocate for Applicant.

Mrs. M.M. Deshmukh, APP for State.

Mr. Prashant Sawant, (EOW), Dist. Thane.

CORAM : SANDEEP K. SHINDE J.

DATE : 2nd JUNE, 2021.

VACATION COURT (Through Video Conference)

P.C. : -

Heard.

1. It is an application for temporary bail. Applicant is accused in Crime No. 83 / 2019 registered with Kapurbawadi Police Station for the offences punishable under Sections 420, 406, 409, 120-B of the

Indian Penal Code, 1860; Section 3 of the Maharashtra Protection Interest of Depositors Act, 1999 and Section 66 (D) of the Information Technology (Amended) Act, 2008.

2. It is submitted that Applicant's wife Smt. Alpaben Riteshbhai Patel expired on 23rd May, 2021 due to 'Acute Cardio-Respiratory Arrest' Death certificate is placed on record. It is submitted Applicant's brother-in-law expired on 19th May, 2021. His death certificate is also placed on record.

3. Learned Counsel for the Applicant submits that there is no one to perform last rites of the Applicant's wife. It is submitted Applicant's daughter is 16 year old. On this ground, he seeks temporary bail for 21 days.

4. Mrs. Deshmukh, learned Prosecutor has opposed the application contending that in view of widespread of Corona Virus, releasing the Applicant on bail, even for temporary period, may not be safe to inmates in the jail, once applicant returns back.

5. In view of the facts of the case, in my view, the apprehension of the State can be taken care of by imposing certain conditions.

6. In consideration of the facts of the case, Applicant is directed to be released on temporary bail for 16 days on the following conditions.

i. The Applicant shall execute PR bond in the sum Rs.50,000/- with one or two sureties in the like amount.

ii. In the alternative, if the sureties are not available, he may be released on the cash bond for the equivalent sum.

iii. The Applicant shall furnish particulars of the permanent residential address and contact details to the Jail Superintendent before his release from the bail.

iv. The Applicant being resident in Gujarat State, he shall report to the Local Police Station on alternate day in evening at 06:00 pm.

v. The Applicant shall surrender himself to the custody of the Superintendent, Thane Central Jail, on 17th day from the date of his

release on bail.

vi. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. It is made clear that under no circumstances, a time shall be extended for surrendering.

8. State shall conduct all necessary tests of the Applicant before re-admitting to prison to rule-out virus-infection.

9. Application is allowed and disposed of.

10. All concerned to act on the authenticated copy of this order.

(SANDEEP K. SHINDE, J.)