

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

BAIL APPLICATION NO. 2838 OF 2021

Mohan Ramu @ Rameshwar Choudhary ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Swaraj S. Jadhav a/w Mr. Vijaykumar R. Garad, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st OCTOBER, 2021

PER COURT:

1. This is an application for bail for temporary period of 45 days on the basis of the High Power Committee Guidelines issued on account of pandemic of Covid-19.

2. The applicant preferred application before the Sessions Court seeking bail which has been rejected on 18th May, 2021.

3. Learned counsel for the applicant submitted that there is no progress in the trial. This Court while rejecting the previous application, expedited the trial. The facts of this case are peculiar. However, only three witnesses are examined. The Sessions Court while rejecting the application has taken on consideration the criminal antecedents of the applicant and the deposition of

witnesses. He also submitted chart relating to population in jails and submitted that there is possibility of applicant suffering from Covid-19.

4. Learned APP opposed the application for bail. It is submitted that the previous application was rejected on merits by assigning reasons. The applicant is involved in offence of murder.

5. The previous application heard by this Court on merits and rejecting by order dated 14th November, 2019. The offence was registered under Section 302, 201 of IPC. It is not possible to review the previous order. The applicant presently claiming bail on the ground of the situation of pandemic and the High Power Committee Guidelines. It is pertinent to note that the offence is registered under Section 302 of IPC and by assigning reasons on merits previous application was rejected. Merely on account of pandemic situation and High Power Committee Guidelines bail cannot be granted mechanically. The magnitude and seriousness of offence is also required to be looked upon. While rejecting the previous application this Court had discussed the nature of evidence against the applicant. Hence, no case is made out for granting temporary bail to the applicant.

ORDER

Bail Application No.2838 of 2021 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)