

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
LD VC BAIL APPLICATION NO.187 of 2020

Karan Nair .. Applicant
Versus
State of Maharashtra .. Respondent

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Mr.Niranjan Mundargi i/b Keral Mehta for the applicant.
Mr.A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 9th JUNE, 2020.

P.C:-

1 The applicant before this Court is an Architect by profession and is aged 27 years. An unfortunate incident which took place on 8th May 2020 has landed him being incarcerated on the unfateful day on 8th May 2020. The applicant was strolling on Marine drive footpath when the prohibitory orders in the wake of the Pandemic Covid-19 were fully operational. Jitendra Pandurang Kadam, Police Inspector who was posted on duty spotted this young man strolling on the road. He asked him to stop and reminded him that he was not wearing a mask. This young man who may have been disturbed on account of some of the personal issues, suddenly attempted to charge. The justification offered by the applicant is that being an Architect, he was carrying some sort of instrument with him which was used by him as a weapon though it is not exactly a deadly weapon. He continued to run and was chased by the complainant Jitendra Kadam. He was immediately apprehended and taken into

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custody. It is in this background he is behind the bar since 8th May 2020.

2 It is not the case of the prosecution that the applicant is having any criminal antecedents and the perusal of the FIR would clearly reveal that even the complainant was under tremendous pressure on maintaining the law and order in view of the prohibitory orders imposed in the city and the applicant being apprehensive that he would be arrested by the police officer and probably irked by the fact that the police officer was chasing him only for not wearing the mask, was the cause of the unfortunate incident. The situation of the spread of pandemic has brought on an atmosphere of weariness and exasperation and a young person like the applicant has fallen trap into the scenario.

3 In absence of any criminal antecedents and the fact that he is a young person aged 27 years and belonging to a reputed family and fleeing the Court of justice being obscure, he is entitled to be released on bail. Another reason for his release being the jail facilities are otherwise over burdened and merely for a person who is a one time confronter of law cannot be incarcerated and particularly in the peculiar situation prevailing inside the jail.

4 In my considered opinion, the applicant is entitled to be released on bail and so directed subject to the following conditions.

ORDER

1 Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the

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like amount.

2 However, at present, he be temporarily released on furnishing the cash bail with the jail authorities. However, on expiry of period of four weeks, the cash surety as directed above shall be provided.

3 The applicant shall report to the concerned police station as and when called for.

SMT. BHARATI DANGRE, J