

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.188 OF 2015
IN
CRIMINAL APPEAL NO.765 OF 2009

Yunnus Mehboob Nadaf	 Applicant
V/s.	
The State of Maharashtra, Thru' Jail Road Police Station, Solapur	 Respondent

Mr. Ujwal R. Agandsurve for the Applicant.

Mrs. U.V. Kejriwal, A.P.P., for the Respondent-State.

Mr. Dnyaneshwar Balusingh Patil, the Jailor,
Yerwada Central Prison, Pune, is present.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 13TH FEBRUARY, 2015.

P.C. :

1. This is an application by which the Applicant seeks his release on temporary bail in order to attend to his ailing mother, who is aged about 92 years. The application further discloses that the condition of the mother of the Applicant is extremely critical.

2. It further appears that the Applicant stands convicted for the offences punishable under Sections 143, 147, 148, 302, 307, 324, 336, 337, 435 and 427 r/w. 149 of the Indian Penal Code in Sessions Case No.168 of 2004. The Applicant has filed an Appeal in this Court challenging his conviction and sentence, which Appeal is registered as Criminal Appeal No.765 of 2009. It further appears that the Applicant had filed Criminal Application No.251 of 2010, along with the other co-accused, seeking suspension of the substantive sentence of imprisonment and his enlargement on bail, pending the decision of the Appeal. It further appears that the Division Bench of this Court has dismissed the said application by its order dated 11th June, 2010.

3. In the light of dismissal of the application for bail, we are not inclined to suspend the substantive sentence of imprisonment and direct release of the Applicant on bail. Mr. Agandsurve, the learned Counsel for the Applicant, has stated before us, on instructions, that the Applicant is willing to deposit the charges for Police Escort for taking him from the Yerwada Central Prison, Pune to the house of his ailing mother at Solapur. Mrs. Kejriwal, the learned A.P.P. for the Respondent-State, has sought instructions from the concerned authorities and states that the

approximate charges for Police Escort would be between Rs.67,000/- to Rs.70,000/-. Mr. Agandsurve, the learned Counsel for the Applicant, further states, on instructions, that the Applicant would deposit an amount of Rs.70,000/- with the Police Head Quarters, Pune tomorrow i.e. 14th February, 2015.

4. We, thus, allow this application to the extent which is indicated below :-

(i) On the Applicant depositing an amount of Rs.70,000/- with the Police Head Quarters, Pune, the Prison Authorities shall ensure that the Applicant is taken under Police Escort from Yerwada Central Prison, Pune to Solapur on 15th February, 2015.

(ii) The Applicant shall be taken to the house where the mother of the Applicant is residing. The Applicant shall then be lodged in the District Prison at Solapur for the night of 15th February, 2015. The Applicant shall be taken in the morning of 16th February, 2015

again to visit his ailing mother and thereafter shall
be brought back to the Yerwada Central Prison,
Pune in the evening.

5. Parties to act on duly authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]