

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 80 OF 2015
IN
CRIMINAL APPEAL STAMP NO. 72 OF 2015

Amol Arun Ukarande

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Sharad T. Bhosale i/by Mr. Jaydeep Mane for applicant.

Mr. H. J. Dedhia, APP for State.

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

JANUARY 22, 2015.

P.C.

1. This application has been filed by the applicant seeking his release on temporary bail in order to enable the applicant to attend the wedding of his brother which is scheduled to be solemnized on 25/01/2015 at Mudguleshwar Mandir, Sindphal, Taluka – Tulzapur, District – Osmanabad.

2. This application has been filed accompanying the application for condonation of delay and the substantive appeal challenging his conviction. The application seeking condonation of delay of one year and 361 days has been filed practically after two years. The appeal was filed on 14/1/2015 and was circulated before us for today. The appeal is

accompanied by this application which seeks release on conditional bail in order to attend the marriage. No efforts has been made by the applicant to file an appeal and application early or to seek the parole for attending the marriage of his brother. Since the appeal, along with the applications, has been filed and circulated before us and the prosecution cannot be given any opportunity, as any adjournment would render the present application infructuous and also taking into consideration the merits of the matter, we are not inclined to suspend the substantive sentence of imprisonment and release the applicant on bail on the grounds stated in this application.

3. However, in order to ensure that the applicant is allowed to attend the wedding of his brother, we partly allow this application to the extent of directing the jail authorities to take the applicant in police escort from Yerwada Central Prison, Pune to the place of wedding in order to ensure that the applicant is present on 25/1/2015 at 12.00 noon in order to attend the wedding. The learned counsel for the applicant states on instructions that the applicant shall bear the charges of the police escort as well as the transportation. The aforesaid charges to be deposited by the applicant on or before 23/1/2015 with the jail authorities at Yerawada Central Prison, Pune. On such charges being deposited, the prison authorities shall arrange for a necessary escort for taking the applicant to the place of wedding, if necessary, by starting from Yerawada Central Prison on 24/1/2015 and lodging the applicant in the jail at Osmanabad on the night of 24/1/2015. The jail authorities shall ensure that the applicant is brought to the Yerawada Central Prison, Pune, on 25/1/2015 in the evening. The jail authorities shall intimate the relatives of the applicant immediately

the charges of the police escort so as to enable the relatives of the applicant to deposit the said charges.

4. Application is allowed to the extent indicated above.
5. Copy of this order duly authenticated be provided to the learned counsel for the parties to act upon.
6. Learned APP undertakes to communicate this order to the Superintendent, Yerawada Central Prison, Pune forthwith.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)