

JPP

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

**CRIMINAL APPLICATION NO. 313 OF 2015
IN
CRIMINAL APPEAL NO. 176 OF 2014**

Firoz Ibrahim Rauttar.

... Applicant.

V/s.

The State of Maharashtra.

... Respondent.

Miss. Swapna Kode for the Applicant.
Smt. V.R. Bhosale, APP for the State.

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

MARCH 19, 2015.

P.C. :-

This is an Application by which the Applicant seeks temporary suspension of the substantive sentence of imprisonment and his enlargement on bail for a temporary period on the ground that the father of the Applicant is ailing and is critical.

2. The Applicant stands convicted for an offence punishable under Section 376 (2)(f) of the Indian Penal Code. The Applicant had filed Criminal Application No. 855 of 2014 seeking his enlargement on bail during the pendency of this Appeal. It appears that the aforesaid Application was not

pressed at the time of hearing of the Application and therefore this Court by its order dated 9th July 2014 dismissed the Application as not pressed with a direction that on private paper-book being filed, the Appeal be added to the final hearing board. The Appeal was thereafter moved before us for fixing the date of hearing and that was adjourned at the request of learned Counsel for the Applicant.

3. In the light of the fact that the Applicant stands convicted for a serious offence and has not been released on bail during the pendency of this Appeal, we reject the prayer of the Applicant for his release on bail. We are further informed that the Applicant has been lodged in the Kolhapur Central Prison while the father of the Applicant who is said to be in a critical stage is undergoing treatment in the Lifeline Hospital at Panvel. We, therefore, direct the Respondent to take the Applicant from the Kolhapur Central Prison to the Lifeline Hospital at Panvel in order to enable the Applicant to visit his father.

4. We, therefore, direct that the Applicant be taken from Kolhapur Central Prison to Lifeline Hospital at Panvel at the expenses of the State on 21st March 2015. The Applicant shall be brought back to Kolhapur Central Prison on the same day.

5. Application is thus dismissed with the aforesaid directions.

6. Parties to act on authenticated copy of this order duly authenticated by the Court Sheristedar of this Court.
7. Learned APP undertakes to communicate this order to the Superintendent, Central Prison, Kolhapur.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)