

JPP

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

**CRIMINAL APPLICATION NO. 540 OF 2015
IN
CRIMINAL APPEAL NO. 129 OF 2011**

Nivaruti Rama Bhise.

... Applicant.

V/s.

Superintendent, Yerawade Central Jail,
Pune and Ors.

... Respondents.

Mr. Ranjeet Patil for the Applicant.

Mrs. Sangeeta D. Shinde, APP for the State.

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

APRIL 30, 2015.

P.C. :-

By this Application the Applicant, who is Appellant in Criminal Appeal No. 129 of 2011, seeks suspension of the substantive sentence of imprisonment and his enlargement on bail on the ground that the marriage of the son of the Applicant is scheduled to be solemnized on 7.5.2015 at Pune.

2. At the outset, the learned Counsel for the Applicant very fairly submitted before us that since the Applicant was absconding for more that 2 years, the Applicant does not

press for the relief prayed for in this Application that is of the release of the Applicant on bail. The learned Counsel for the Applicant, however, requests that since the son of the Applicant is being married on 7.5.2015, the Applicant may be directed to be produced from the Jail custody at the venue where the marriage is to be solemnized. It is also urged before us that the Applicant is in Jail since 6.4.2015 and prior to that the Applicant had undergone about 6 years of imprisonment. It is also stated before us that on account of poverty, the Applicant is unable to deposit the charges of the escort.

3. The Applicant had been granted parole for 90 days and thereafter, the parole was extended by one week. The Applicant had been directed to surrender to his parole on 30.8.2012 but the Applicant did not surrender and had absconded. The Applicant was ultimately arrested on 6.4.2015. However, since the marriage of the son of the Applicant is scheduled to be solemnized on 7.5.2015 and looking to the impoverish condition of the Applicant and his family members, we allow the alternate prayer made by the learned Counsel for the Applicant and direct the Respondents to take the Applicant in Police Escort on the morning of 7.5.2015 at 7.00 a.m. to the venue where the marriage is to be solemnized i.e. Village - Kharavade, Taluka - Mulshi, District - Pune. The Respondents shall ensure that the Applicant is brought back to the Jail on the same day in the evening. The

Applicant to be produced under Police Escort at the expense of the State.

4. Application allowed as indicated above.
5. Copy duly authenticated be provided to the learned Counsel for the parties to act upon.
6. Learned APP undertakes to communicate this order to the Respondents.

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