

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1928 OF 2015**

Ashok Shankar Khalse

..Petitioner.

versus

The State of Maharashtra

..Respondent.

.....

Mrs. Rohini Dandekar, amicus curiae for the Petitioner.

Mr. Arfan Sait, Addl. P.P. for the State.

.....

CORAM : A.S. GADKARI AND
C.V. BHADANG, JJ.
(VACATION COURT)

22nd May 2015.**P.C. :**

This is a Petition sent through jail by post by the Petitioner for furlough leave to attend the marriage of his daughter which is scheduled on 30th May, 2015 at Malegaon Camp, Nashik.

2. Heard Mrs. Dandekar, learned amicus curiae appointed from the legal aid panel and Mr. Arfan Sait, the learned APP. The learned counsel for the Petitioner submits that since the marriage of the daughter of the Petitioner is scheduled on 30th May, 2015, the Petitioner may be released on temporary bail.

3. Mr. Arfan Sait, the learned APP has produced a report of the Panchavati Police Station, Nashik, dated 20th May, 2015 for perusal of this Court. There is no dispute that the marriage of the daughter of

the Petitioner is scheduled on 30th May, 2015 at Malegaon, Nashik. The record discloses that the appeal preferred by the Petitioner has already been dismissed by this Court, thereby confirming his conviction of sentence. The Petitioner is presently undergoing life imprisonment at Nashik Road Central Prison. The record further discloses that the Petitioner had been granted parole and has returned to the jail only on 16th April, 2015. The learned APP submits that in view of the provisions of the Maharashtra Furlough and Parole Leave Rules, the Petitioner is not entitled for furlough leave before the expiry of six months. However, taking into consideration the fact that the marriage of the daughter of the Petitioner is scheduled and the Petitioner's presence is required for performing the religious ceremony of 'Kanyadaan', we are inclined to release the Petitioner on temporary bail for a period of four days which would start from 9.00 a.m. on 29th May, 2015 and would come to an end on 2nd June, 2015 at 5.00 p.m. on the following conditions :

- i) The Petitioner shall be released from jail on temporary bail after his furnishing a surety bond of Rs.15,000/- and one or two sureties in the like amount to make up the said amount;
- ii) The Petitioner shall be released from jail in necessary and sufficient police escort. The escorting party shall be in civil dress;
- iii) It is needless to mention that the Petitioner before his release from jail shall deposit the necessary and requisite escort charges

as prescribed by the rules and regulations as framed by the Government of Maharashtra with the competent authority;

- iv) The Petitioner shall surrender back to the jail authority on or before 5.00 p.m. on 2nd June, 2015;
- v) If the Petitioner avoids to surrender to the jail authority on or before 5.00 p.m. on 2nd June, 2015, the escorting party shall produce him before the jail authority on or before the said day and time.
- vi) The Petition is allowed in the aforesaid terms.

The Registry is hereby directed to forthwith communicate this order to the Superintendent of Nashik Road Central Prison for further procedure. The learned APP is also hereby directed to communicate a copy of this order to all the concerned.

All the concerned parties to act on an authenticated copy of this order.

(C.V. Bhadang, J.)

(A.S. Gadkari, J.)