

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

**CRIMINAL APPLICATION NO.644 OF 2015
IN
CRIMINAL APPEAL NO.576 OF 2012**

Sayyad Ali Sayyad and others

..Applicants.

versus

The State of Maharashtra

..Respondent.

Mr. H.V. Holmagi for the Applicants.

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. :

The present Application has been filed by the Applicants for their temporary release from jail for the marriage of their sister which is scheduled on 27th May, 2015. On earlier occasion this Court had directed the learned APP to take instructions from the concerned police station. Today, the learned APP has produced a report from Khadak Police Station, Pune. It is stated in the said report that the Applicant Nos.1 and 2 are cousin brothers of the said bride and Applicant No.3 is the real brother.

2. In our considered opinion, the presence of Applicant Nos.1 and 2 for the said marriage is not at all required as they are not going to perform any religious functions or ceremony in the said marriage. As far as Applicant No.3 is concerned, who is the real brother of the said bride, we are inclined to release him on a temporary bail for a period

of three days which would start from 5.00 p.m. on 26th May, 2015 and would come to an end on at 5.00 p.m. on 29th May, 2015 on the following conditions :

- i) Applicant No.3 shall be released from jail on temporary bail after his furnishing a surety bond of Rs.10,000/- and one or two sureties in the like amount to make up the said amount;
- ii) The Applicant No.3 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 Applicant No.3 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) Applicant No.3 shall surrender back to the jail authority on or before 5.00 p.m. on 29th May, 2015;
- v) If Applicant No.3 avoids to surrender to the jail authority on or before 5.00 p.m. on 29th May, 2015, the escorting party shall produce him before the jail authority on or before the said day and time;
- vi) The prayer for Applicant Nos.1 and 2 is rejected.
- vii) The Application is party allowed in the aforesaid terms.

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

(C.V. Bhadang, J.)

(A.S. Gadkari, J.)