

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5524 OF 2016

Devraj S/o Venkatrao Phad,
Age : 32 years, Occu. Student,
R/o. Keshapuri Camp, Tq. Majalgaon,
Dist. Beed.

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....
Mr Rupesh A. Jaiswal, Advocate for the applicant
Ms Priti Diggikar, APP for respondent/State
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CORAM : V.L. ACHLIYA, J.
DATED : 03.10.2016.

PER COURT :

. As per directions given vide order dt. 01.10.2016, the officers concerned are present before this Court.

2. The applicant/appellant No. 1 has preferred this Application seeking interim bail to enable him to appear for 4th & 5th year of LL.B. Examination.

3. The applicant has challenged the conviction u/s 307, 323 r/w Section 34 of the Indian Penal Code and sentenced to suffer maximum imprisonment for a period of 7 years and to pay fine of Rs. 500/-. Since the month of December – 2015, the applicant is in jail. Earlier he had made an application seeking bail during pendency of the appeal. However, the application was withdrawn and the hearing of the appeal has been expedited by order dt. 05.02.2016 by granting liberty to the appellants to submit private paper book.

4. In nutshell, it is the say of the applicant that the examination of 4th and 5th year of LL.B. Course is scheduled to start from 05.10.2016 and examination will be concluded by the end of 18.10.2016, provided there is no change in examination schedule. It is further say of the applicant that, he is also required to appear for practical examination. In support of the submissions advanced that applicant is appearing for the said examination, he has submitted the copy of Hall-ticket and schedule of LL.B. Examination as notified by Dr. Babasaheb Ambedkar Marathwada University, Aurangabad.

5. Learned counsel for the applicant submits that, considering the nature of offence, the conviction awarded and the cause assigned, it is fully justified that the request of the applicant deserves sympathetic consideration.

6. Learned APP submits that, the applicant be temporarily transferred to Sub-Jail at Beed and appropriate directions be given to take the applicant to examination centre by providing escort.

7. Having appreciated the submissions advanced in the light of the nature of offence, the sentence awarded and the cause assigned seeking temporary bail, I am of the view that, the request deserves to be considered sympathetically. The applicant is ready and willing to furnish the bail and undertake to abide by the conditions imposed in the event of his release on temporary bail. I am, therefore, inclined to allow the application with certain conditions and pass the following order.

ORDER

(1) Criminal Application No. 5524 of 2016 is allowed.

(2) The applicant be forthwith released on temporary bail for a period from 03.10.2016 to 01.11.2016 on his furnishing cash bail in the

sum of Rs. 20,000/- (Rupees Twenty Thousand) with one surety in the like amount within three days of his release, on following conditions.

- (i) The applicant shall report the Police Station Majalgaon, Dist. Beed, in between 06:00 to 7:00 P.M. except the day on which the applicant appears for examination.
 - (ii) The applicant shall surrender before the Central Prison, Nashik, on 02.11.2016 before 4:00 P.M.
 - (iii) The applicant shall not indulge into any criminal activity during such period.
 - (iv) The applicant shall not meet the complainant and other witnesses in the case.
 - (v) Applicant shall furnish the names, addresses and phone numbers with residential proof of his three close relatives.
 - (vi) Cash Bail be furnished before the High Court.
- (3) Authenticated copy of this order be supplied to the parties to act upon.

[V. L. ACHLIYA]
JUDGE