

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.649 OF 2016
IN
CRIMINAL APPEAL NO.216 OF 2015
WITH
CRIMINAL APPEAL NO.36 OF 2016
CRIMINAL APPEAL NO.288 OF 2015
CRIMINAL APPEAL NO.938 OF 2015
CRIMINAL APPLICATION NO.217 OF 2015
CRIMINAL APPLICATION NO.1197 OF 2015
IN
CRIMINAL APPEAL NO. 938 OF 2015

Ravi Srichand Punjabi

... Petitioner

vs.

The State of Maharashtra

... Respondent

.....
Mr. N.N.Gawankar i/b. Mr.Manas N.Gawankar for the Applicant.
Mr.H. J. Dedhia – APP for the State.

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CORAM : B.R. GAVAI, J.

DATE : 25 MAY, 2016

P.C.:

1. The applicant has approached this Court praying for a temporary bail on the ground that the applicants wife is likely to undergo surgery this Friday, 27th May, 2016.

2. The applicant is opposed on the ground that the learned Counsel in the case of *Shri Anil Umrao Gote vs.State of Maharashtra [2005 ALL MR*

(Cri) 350] has held that powers under section 482 cannot be given for grant of temporary bail.

3. However, learned APP fairly concedes that on inquiry the fact relating to the surgery of the applicants wife is confirmed by the Police Authorities.

4. I find that on the ground that the applicants wife undertaking surgery he is entitled to be released on temporary bail. In so far as the judgement on which the learned APP is concerned the said judgement is rendered by the learned Single Judge while considering a case of an under trial prisoner.

5. Undisputedly, in the present case order of conviction is passed, applicant is also been released twice on parole on earlier occasions. In any case interest of the case is kept clear by imposing stringent condition on the applicant.

(a) The applicant is therefore directed to be released on bail in a sum of Rs.15,000/- with one or more sureties in the like.

(b) The applicant shall report to Khar Police Station on every alternate day.

(B.R. GAVAI, J.)