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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1284 OF 2016

Amit s/o. Shailendra Gupta ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Avinash Gupta Senior Advocate with Mr.Pushkraj
Deshpande i/b. Dewani & Associates for the applicant.

Mr.Deepak Thakery, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 11TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.I-113/2013 (Sessions Case No.152/2013) for the offences punishable under section 498A, 302 read with 34 of the Indian Penal Code registered with Chhavani Police Station, Malegaon by this application is seeking temporary bail for attending the marriage of his real brother, which is scheduled to be held on 13th July, 2016 at Malegaon, District Nashik.

2. Heard the learned senior counsel appearing for the applicant / accused. He argued that in the application release

of 15 days is sought but the applicant is seeking temporary bail for a period limited from 12th July, 2016 to 15th or 16th July, 2016 in order to attend the marriage of his real brother. The learned counsel further submitted that except the present applicant, there is no other brother or sister to Ashwin, who is going to be married on 13th July, 2016. My attention is drawn to the order dated 23rd June, 2016 passed by the learned Additional Sessions Judge, Malegaon rejecting the request of temporary bail.

3. It is seen that the learned Additional Sessions Judge has recorded that the marriage of the brother of the present applicant is fixed and presence of the applicant / accused in the marriage to perform customary ceremony is essential. It is also seen from the order that the trial is on the verge of conclusion as recording of evidence of only two Investigating Officers, Doctor and the Handwriting Expert remained. As such, it cannot be said that there is possibility of tampering the prosecution evidence and pressurising the witnesses.

4. The learned APP has only submitted that the applicant be permitted to attend the marriage ceremony with

the police escort. However, the submission so advanced is devoid of merits as marriage of real brother of the applicant is scheduled to be held on 13th July, 2016 at his own home town. Presence of police on such auspicious ceremony will not be proper. Hence the order :-

- (i) The applicant / accused in Crime No.I-113/2013 (Sessions Case No.152/2013) for the offences punishable under section 498A, 302 read with 34 of the Indian Penal Code registered with Chhavani Police Station, Malegaon be released on his executing P.R. bond of Rs.25,000/- with one or more sureties in the like amount for the period from 12th July, 2016 to 16th July, 2016;
- (ii) The applicant / accused to surrender before the Prison Authorities on 17th July, 2016 without fail;
- (iii) The application is disposed of accordingly;
- (iv) All parties, so also the learned Sessions Court to act upon an authenticated copy of this order.

(A.M.BADAR, J.)