

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1449 OF 2016
(THROUGH JAIL)
IN
CRIMINAL APPEAL NO. 567 OF 2016**

Parag Vasudev Sawant	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rohan Prakash Surve for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 2nd DECEMBER, 2016

P.C. :

1. Heard learned Counsel for the parties.

2. By this application through jail, the applicant seeks temporary bail for attending the marriage of his brother Rupesh, which is scheduled on Sunday, 4th December, 2016 at 5:53 p.m. Learned Counsel for the applicant has relied on the invitation card which is annexed to the application.

3. Learned Counsel for the applicant submits that the applicant is one of the three brothers. He submits that the other brother Paresh is

disabled and that the mother is bedridden and as such, it is necessary for him to remain present at the wedding of his brother Rupesh, to take care of the family arrangements. He submits that there is Haldi ceremony on 4th December, 2016 at 9:00 a.m., wedding on the very same date at 5:53 p.m and reception on Monday, 5th December, 2016 from 6:00 p.m to 10:00 p.m. He submits that all these functions are at Nallasopara and Bhayander (West). He submits that the applicant is ready to bear the necessary escort charges. He submits that the applicant will surrender before the Mira Road Police Station on 6th December, 2016.

4. Learned A.P.P has taken telephonic instructions. He submits that the Officer has verified that there is a wedding in the family. He submits that the applicant ought to bear the necessary escort charges.

5. Perused the papers. It appears that the applicant's brother is getting married on 4th December, 2016 and there is one ceremony in the morning on the same day and wedding in the evening. The reception is on 5th December, 2016 from 6:00 p.m to 10:00 p.m. It also appears that the applicant's one brother is disabled and his mother is bedridden. It also

appears that the applicant was on bail, pending trial and has not abused his liberty while on bail. The applicant is also ready to bear the escort charges.

6. Accordingly, in the facts as aforesaid, the applicant is granted temporary bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on temporary bail, on furnishing cash surety of Rs. 10,000/- (in new denomination) from 3rd December, 2016 at 9:00 a.m. till the afternoon on 6th December, 2016;

(ii) The Nashik Road Central Prison Authorities shall produce the applicant before the Sessions Court, Thane, where he will furnish cash bail of Rs. 10,000/- on 3rd December, 2016, before 12:00 noon, to enable the Registry to complete the bail formalities. The Registry, Sessions Court, Thane to complete the formalities forthwith;

(iii) After the cash bail is furnished, the applicant shall be handed over by the Nashik Road Central Prison Authorities to Mira Road Police Station, Mumbai;

(iv) Mira Road Police Station to provide one escort in civil dress, who will accompany the applicant, throughout the said period, till he surrenders before the Mira Road Police Station on 6th December, 2016 at 10:00 a.m.;

(v) The applicant shall surrender before the Mira Road Police Station on 6th December, 2016 at 10:00 a.m., who will thereafter make arrangement to take the applicant back to Nashik Central Road Prison;

(vi) The applicant shall bear the cost of travel and escort from Nashik to Mira Road and from Mira Road to Nashik, so also, the charges for the escort, from Mira Road Police Station, who will accompany the applicant, during the said period;

(vii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(viii) All parties to strictly comply with the order.

7. Application is allowed and disposed of on the aforesaid terms.
8. Stand over to 7th December, 2016 for recording compliance of the surrender of the applicant.
9. Learned A.P.P to communicate the order to the concerned jail authorities i.e. Nashik Road Central Prison, and Mira Road Police Station, telephonically and by fax, forthwith.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.