

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

**CRIMINAL APPLICATION NO.527 OF 2017
IN
CRIMINAL APPEAL NO.813 OF 2012**

Bharat Parshuram Bhise	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr. Daulat G. Khamkar, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for Respondent – State.

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**CORAM : PRAKASH D. NAIK AND
M.S. KARNIK, JJ.
(VACATION COURT)**

DATED : MAY 22, 2017.

P.C. :

The applicant has been convicted for an offence punishable under Section 302 of the Indian Penal Code. He has preferred an Appeal challenging the said conviction which is pending before this Court.

2 The present application has been preferred seeking temporary bail for a period of one month on account of marriage of the applicant's daughter which will be solemnized on 28th May, 2017.

3 The learned advocate for the applicant submitted that the applicant is in custody since 12th September, 2010. He further submitted that on the earlier occasion he was granted parole and he has reported to the jail authorities within the stipulated time. He submitted that being father, his presence is necessary for solemnization of marriage of his daughter. He placed reliance upon the marriage invitation card which has been annexed to this application.

4 Learned APP tendered the report dated 15th May, 2017 submitted by Velha police station in which it is mentioned that the inquiries were made with regard to the genuineness of the ground for bail raised by the applicant. The address of the applicant and the place of marriage has been verified by the police and requisite statements are recorded in support of the prayers of the applicant. Learned APP also tendered a jail chart of the applicant/accused which reflects the conduct of the applicant. The jail chart indicates that he was earlier released on parole and he has reported to jail on time. The report alongwith the jail chart are taken on record and marked “X” collectively for identification.

5 We have gone through the documents tendered by the learned APP as well as the document annexed to this application. After hearing the learned advocate for the applicant and learned APP, we are inclined to grant temporary bail to the applicant.

6 We have taken into consideration the fact that the marriage of the applicant's daughter is fixed on 28th May, 2017 and the applicant being father, his presence is essential for solemnization of this marriage and also to be with his daughter for performing the other rituals. We have also noted the fact that the applicant has been in custody for long period of time and the police had verified the factum of marriage of the applicant's daughter. We have also considered the fact that the applicant had complied with conditions of parole granted to him.

7 In view of the above, we pass the following order:

:: ORDER ::

- (i) The applicant-Bharat Parshuram Bhise is directed to be released on temporary bail for a period of three weeks from the date of his release on executing P.R. Bond in the sum of

Rs.15,000/- (Rs. Fifteen Thousand) with one or two sureties in the like amount. On the date of expiry of period of bail (three weeks from the date of release) the applicant is directed to surrender before the concerned jail authorities;

- (ii) During the period of bail, the applicant is directed to report Bibwewadi Police Station, Pune once in a week between 5.00 to 7.00 p.m.;
- (iii) With the aforesaid directions, the application is disposed of.

(M.S. KARNIK, J.)

(PRAKASH D. NAIK, J.)