

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.621 OF 2017

IN

CRIMINAL APPEAL NO.340 OF 2015

ASHISH DNYANESHWAR CHANNURWAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Nasreen Ayubi, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 5th MAY, 2017.

P.C. :

1 By this application sent through the jail, the applicant / convicted accused is praying for releasing him on temporary bail in order to enable him to attend marriage of his sister which is scheduled to be held on 28th May 2017 at Palasgaon in Chimur Taluka, Chandrapur District.

2 The applicant / accused has been convicted of the offences punishable under Sections 376, 363 and 366 of the IPC apart from the offence punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). For the offence punishable under Section 376 of the IPC, he is sentenced to suffer rigorous imprisonment for 10 years and lesser sentence has been imposed on him, so far as other offences are concerned.

3 Heard Ms.Nasreen Ayubi, the learned advocate appearing for the applicant / accused. She argued that during pendency of the trial, the applicant / accused was on bail and he had not misused his liberty. She further argued that considering the fact that real sister of the applicant / accused is being married on 28th May 2017, the applicant / accused be released on bail for limited period.

4 The learned APP opposed the application by contending that, in past, two applications for bail filed by the present applicant / accused, were rejected on merit by this court, and therefore, the instant application should also be rejected. The learned APP further argued that offences allegedly proved against the applicant / accused are serious, and therefore, bail should not be granted to the applicant / accused.

5 It is not in dispute that real sister of the applicant / accused is being married on 28th May 2017. Similarly, it is not in dispute that the applicant / accused was on bail during pendency of the appeal and the same is also reflected from the operative portion of the order passed by the learned trial court. Perusal of evidence of prosecutrix does not show that the applicant / accused has used any force or threat while allegedly committing the offence. Real sister of the applicant / accused is being married on 28th May 2017. Hence, for above reasons, I proceed to pass the following order :

- i) The application is allowed.

- ii) The applicant / accused in Sessions Case No.52 of 2014 decided by the learned Additional Sessions Judge, Nashik, on 29th November 2014, be released on bail for the period from 10th May 2017 to 31st May 2017 on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.
- iii) As a condition of this order, the applicant / accused should attend Police Station Sinnar, District Nashik, on 13th May 2017 and 17th May 2017, in between 11.00 a.m. to 1.00 p.m., and thereafter, he should surrender himself on 1st June 2017.
- iv) A copy of this order be sent to Nashik Road Central Prison.

(A. M. BADAR, J.)