

*Nalawade*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.726 OF 2017

IN

APPEAL NO.128 OF 2012

Noor Mohd. Sayed Mohd. Pathan ..Appellant.

vs.

The State of Maharashtra ..Respondent.

Nasreen S.K. Ayubi for the Applicant.

Mrs. P .P .Shinde,APP. for the State.

CORAM :A.S.GADKARI AND

C.V. BHADANG, JJ.

(VACATION COURT)

DATE : 15TH MAY, 2017.

P.C.

1) This is an application received through Jail for temporary bail on the ground that the marriage of the daughter of the applicant is scheduled on 20.5.2017 at Amrut Nagar, Mumbra District Thane.

2) Heard the learned counsel appointed by the Legal Aid Committee and perused the report submitted by the APP.

3) The record discloses that on an earlier occasion by an order dated 10.4.2015 this Court had granted temporary bail to the applicant for the purpose of performing the marriage of his other daughter. It is submitted by the learned APP that the applicant did not report to Jail Authorities in time and was arrested and was brought to the prison. The learned APP on

instructions submitted that it is a fact that the marriage of the daughter of the applicant namely Ms. Shikha Pathan is to be solemnized on 20.5.2017 and the said fact has been verified by the concerned Investigation Agency. The learned counsel appearing for the applicant submitted that the applicant will not commit any breach of the conditions which will be imposed by this Court in the present application and will surrender before the Jail Authorities on scheduled time. In view of the fact that the marriage of the daughter of the applicant is scheduled on the aforestated date we are inclined to suspend the substantive sentence of imprisonment temporarily for a period from 18.5.23017 till 23.5.2017 (both days inclusive) and to release him on temporary bail.

4) Hence, the following order.

a) The applicant be released on temporary bail on or before 11.00 a.m. of 18.5.2017 upto 5.00 p.m. of 23.5.2017 (both days inclusive) on his furnishing PR bond of Rs.25,000/- with cash bail of Rs.25,000/-.

b) The cash bail amount be deposited with the registry of the Trial Court before actual release of the applicant from the Jail.

c) After his release from Jail the applicant shall attend the Mumbra Police Station on 19.5.2017, 21.5.2017 and 23.5.2017 between 11.00 a.m. to 1.00p.m.

d) The applicant shall report to the Jail Authorities on or before 5.00p.m. on 23.5.2017.

e) If the applicant himself submits to the jurisdiction of the Jail Authorities on or before 5.00 p.m. of 23.5.2017 the cash bail amount be deposited by the applicant shall be

refunded to him on his making application before the Trial Court. If the applicant commits default in surrendering before the Jail Authorities on the stipulated date, the said cash bail amount shall stand forfeited without any demur.

f) After his release from Jail the applicant shall attend the Mumbra Police Station on 19.5.2017 and 21.5.2017 between 11.00 a.m. to 1.00p.m..

g) The applicant is lodged in Kolhapur Central prison. The learned APP and the registry of this Court are directed to communicate this order to the Superintendent of Kolhapur Central Prison by all possible modes as expeditiously as possible.

h) Application is allowed in the aforesaid terms.

(C.V. BHADANG.J.)

(A.S.GADKARI, J.)