

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.766 OF 2017
IN
CRIMINAL APPEAL NO.814 OF 2013

Rupesh Janardan Gondhali	Applicant
versus	
The State of Maharashtra and others	Respondents

WITH
CRIMINAL APPLICATION NO.743 OF 2017
IN
CRIMINAL APPEAL NO.815 OF 2013

Dinesh Janardan Gondhali	Applicant
versus	
The State of Maharashtra and others	Respondents

WITH
CRIMINAL APPLICATION NO.767 OF 2017
IN
CRIMINAL APPEAL NO.1144 OF 2012

Janardan Mahadu Gondhali	Applicant
versus	
The State of Maharashtra and others	Respondents

Mr.D.G.Khamkar for Applicants in these applications.

Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, AND
M.S.KARNIK, JJ.
(Vacation Division Bench)

DATE : 26th May 2017

PC :

1. These applications are preferred seeking temporary bail for a period of one month. The Applicants are original accused who are convicted for offence under Section 302 of Indian Penal Code read with Section 149 of Indian Penal Code. They are undergoing sentence and they are in custody for more than nine years. The Applicants have preferred appeals challenging the conviction, which are pending before this Court.

2. The temporary bail is sought on account of the marriage of the sisters of Applicants in Criminal Application Nos.743 of 2017 and 766 of 2017 and the daughter of Applicant in Criminal Application No.767 of 2017, which is fixed on 31st May 2017. Learned advocate for Applicants submits that presence of the Applicants is necessary to attend the marriage ceremony as well as to perform related rituals.

3. Learned advocate for Applicants submits that on the earlier occasions, the Applicants were released on parole and furlough and they had reported to jail within stipulated time. He submitted that there was no breach of any conditions imposed while granting parole or furlough to the Applicants in the past.

4. Learned APP tendered report submitted by the Superintendent of Jail, which indicated that whenever the Applicants were released, they had returned back to jail in time. He also tendered report of Police Inspector of Shil-Daighar police station, dated 14th May 2017.

The report dated 14th May 2017 confirms the fact of marriage as stated by the Applicants in these applications. The report, however, states that witnesses/victims are the residents of same area where the Applicants are residing. Learned advocate for Applicants, however, submits that on the earlier occasions also, the Applicants were released on parole/furlough and no harm was caused to the witnesses. The reports of Jail Superintendent and Police Inspector are taken on record and marked "X-1" and "X-2" respectively.

5. Taking into consideration aforesaid circumstances, we are inclined to grant temporary bail to the Applicants.

ORDER

(a) The Applicants are directed to be released on temporary bail for a period of three weeks from the date of release, on furnishing surety in the sum of Rs.15,000/- each with one or more sureties in the like amount;

(b) The Applicants are directed to surrender to jail on completing aforesaid period of temporary bail;

(c) Criminal Application Nos.766 of 2017, 743 of 2017 and 767 of 2017 are disposed of.

6. Registry is directed to issue Writ order immediately.

(M.S.KARNIK, J.)

(PRAKASH D. NAIK, J.)

MST