

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1204 of 2017

IN

CRIMINAL APPEAL NO.371 OF 2016

Vaibhav Vyankatesh Deshak ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Jayant J.Bardeskar, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 24th August 2017.

P.C. :

1 This is an Application for temporary bail by the applicant/accused/convict during pendency of Criminal Appeal bearing No.371 of 2016 filed by him which is already admitted for final hearing by this Court.

2 Heard the learned Advocate appearing for the applicant/accused. By tendering photo copy of death report of Padmaja Vyankatesh Deshak - mother of the present applicant, the learned Advocate argued that mother of the applicant passed away on 20/08/2017 and the applicant who is the eldest son desires to carry out last rites of his mother. Hence, the learned Advocate for

the Applicant submits that the applicant be released on temporary bail for a period of 15 days from his release. He further argued that the applicant will abide by any condition imposed by this Court.

3 The learned APP on the basis of report dated 23/08/2017 issued by the Senior P.I. of M.I.D.C. Police Station, Solapur City, has not disputed the fact that the mother of the present Applicant died on 20/08/2017, but opposes the Application by contending that this cannot be a reason for releasing the applicant on temporary bail.

4 I have considered the rival submissions and also perused the Record and Proceedings including the impugned Judgment and Order. It is seen from the copy of the Order dated 31/10/2015 passed by the learned Additional Sessions Judge, Solapur below application Exh.5 in Sessions Case No.169 of 2015, the applicant/accused was on bail during pendency of the trial. The impugned Judgment and Order dated 13/04/2016 does not show that he has misused his liberty while on bail during pendency of the trial. Undisputedly, mother of the present applicant passed away on 20/08/2017 and being an eldest son, the applicant/accused desires to perform last rites of his mother. In view of these facts, I see no reason to deny temporary bail to the applicant/accused and, therefore, the Order :

- (i) From the date of his release, for fifteen days thereafter, the applicant/accused in Session Case No.169 of 2015 decided on 13/04/2016 by the learned Additional Session Judge - 4, Solapur arising out of Crime No.76 of 2015 registered with M.I.D.C. Police Station, Solapur city, be released on bail on his executing P.R. bond of Rs.15000/- and on furnishing surety in like amount.
- (ii) The Applicant/accused to surrender before the prison authority on completion of period of fifteen days from his release.
- (iii) During his release on temporary bail for a period of fifteen days, the applicant/accused should not contact any member of the prosecuting party and he should not indulge in commission of any crime.
- (iv) The Applicant to furnish his residential address for the period of fifteen days so also his cell phone number to the concerned Police Station.
- (v) Parties to act on authenticate copy of this Order.
- (vi) The Application is disposed of accordingly.

(A.M.BADAR J.)