

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2061 OF 2017**

Uday Shardaprashad Pathak	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant Pandey for the Applicant

Ms. J. S. Lohakare, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 7th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks temporary bail to attend the last rites and rituals of his brother-Jitendra Phatak, who was shot dead on 27th August, 2017.

3. Learned Counsel for the applicant submits that the applicant's brother-Jitendra Phatak was murdered on 27th August, 2017 in District Jaunpur, Baderi in Uttar Pradesh. He submits that although the last rites

are over, the applicant would want to be present for the 13th day ritual, which is tomorrow. He further submits that the applicant is ready to bear the escort charges.

4. Learned A.P.P opposes the application. She submits that the applicant has, as many as 16 antecedents and that even after his arrest and whilst in custody, the applicant assaulted one of the jail inmate. She submits that the applicant has committed three offences whilst in custody. She further submits that the possibility of the applicant absconding, also cannot be ruled out. According to the learned A.P.P, the trial has commenced and the approver is being examined. She submits that even otherwise, the 13th day ritual falls tomorrow and that it would be impossible for the applicant to reach Uttar Pradesh for the same.

5. Perused the papers, in particular, the order dated 31st August, 2017 passed by the learned Additional Sessions Judge, Greater Mumbai. The applicant's brother expired on 27th August, 2017. The aforesaid application is for temporary bail to attend the last rituals and rites of his brother. It is not in dispute that the 13th day ritual falls tomorrow and that it

would be impossible for the applicant to reach Uttar Pradesh tomorrow. Even otherwise, applicant has antecedents and the trial has commenced and the approver is in the dock. The possibility of the applicant absconding, also cannot be ruled out.

6. Considering the aforesaid, the application is rejected.

REVATI MOHITE DERE, J.