

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 389 OF 2018
IN
CRIMINAL APPEAL NO. 68 OF 2011**

Dhairyasheel Sampat Kamble	...Applicant / Appellant
Versus	
The State of Maharashtra	...Respondent

Ms Nasreen S. K. Ayubi – Advocate appointed for Applicant / Appellant.

Mrs. G. P. Mulekar – APP for the Respondent - State.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M. S. SONAK, J.**

DATE : 18 APRIL 2018

P.C.

1] The applicant has preferred this application in criminal appeal no. 68 of 2011. In this application, the applicant has prayed for temporary bail of one month on the ground that his mother is ill. Criminal appeal no. 68 of 2011 has been dismissed by this Court by judgment and order dated 29th August 2013. By the said judgment and order, the conviction of the applicant / appellant under section 302 came to be confirmed. In view of the fact that criminal appeal no. 68 of 2011 has been disposed of by this Court, this court is now *functus officio* and hence it is not possible to grant the prayer of the applicant for temporary

bail. However, it will be open to the applicant to prefer an application for parole on the ground that his mother is ill. The said application is to be made to the competent authority. In case such an application is made to the competent authority, the said application be decided as expeditiously as possible by the concerned authority.

2] In view of the above, we are unable to grant prayer of the applicant, hence application is rejected.

3] Office to communicate this order to the applicant, who is in Kolhapur Central Prison, Kolhapur.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA