

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

**CRIMINAL APPLICATION NO.806 OF 2018
IN
CRIMINAL APPEAL NO.425 OF 2018**

Anil Kaka Patil ... Applicant
V/s.
The State of Maharashtra ... Respondent

**AND
CRIMINAL APPLICATION NO.808 OF 2018
IN
CRIMINAL APPEAL NO.423 OF 2018**

Sandip Kaka Patil ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Sachin Deokar i/by Mr. R.D. Suryawanshi for Applicant.
Ms. PPShinde, APP for the Respondent/State.

**CORAM : VL.ACHLIYA, J.
(VACATION COURT)**

DATED : MAY 17, 2018.

P.C. :

1. The above-named applicants-appellants have preferred the appeal against the Judgment and Order of conviction dated

07.03.2018 in Sessions Case No.24/2013 passed by District and Sessions Judge, Kalyan.

2. By the impugned judgment and order the applicants are convicted under Section 302, 201 r/w.147 and 149 of Indian Penal Code. For offence under Section 302 of IPC they are sentenced to undergo imprisonment for life. Beside the applicants, the father of the applicant i.e. Kaka Shankar Patil was also held guilty of same offence and awarded similar sentence.

3. The applicants have preferred this application seeking temporary bail for the reasons set out in detailed in Para 3 of the application. According to applicants, their father namely Kaka Shankar Patil who was also convicted alongwith them was suffering from Pancreatic Cancer. He died on 14.05.2018 in Tata Memorial Hospital, Mumbai while undergoing sentence. According to applicants, there is no one in their family to perform the funeral and other rituals. In order to perform the funeral and last rites, the applicants have urged to enlarge them on temporary bail for 15 days.

4. Learned APP on instructions from the officer from Bajarpeth Police Station, Thane submits that the father of the applicants died

on 14.05.2018 at Tata Memorial Cancer Hospital. His dead body was taken to Kalyan on 16.05.2018 and 8 years old son of applicant Sandip Kaka Patil has performed the list rites on the dead body of father of the applicants.

5. On due consideration of submissions advanced and the fact that the applicants are claims to be only male persons in their family, it is desirable to entertain their request for grant of temporary bail. I am therefore, inclined to pass the following order.

- : ORDER : -

(i) The applicants namely Sandip Kaka Patil and Anil Kaka Patil lying convicted in Sessions Case No.24/2013 by Additional Sessions Judge, Kalyan vide Judgment and Order dated 07.03.2018 be temporarily released on bail till 31.05.2018 on each of them furnishing bail in the sum of Rs.25,000/- with one or two sureties in the like amount to enable them to perform the last rituals on account of death of their father.

(ii) The applicants shall appear and record their presence before the Officer-in-charge of Bajarpeth Police Station on every day in

between 7.00 p.m. to 8.00 p.m. from the date they released on jail and reaches Kalyan till 31.05.2018.

(iii) The applicant shall surrender before the Superintendent Cental Prison, Nashik on 01.06.2018 before 5.00 p.m.

(iv) The Office-in-charge of Bajarpeth Police Station is directed to ensure that the applicants shall not abscond and surrender on 01.06.2018.

(v) All concerned to act upon authenticated copy of this order.

5. Applications stand disposed of in the aforesaid terms.

(V.L.ACHLIYA, J.)