

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1723 OF 2017  
IN  
CRIMINAL APPEAL NO.1007 OF 2015**

Ram Kashinath Kir                      ...      **Applicant**  
V/s.  
The State of Maharashtra      ...      **Respondent**

.....  
Mr.Anil G. Lalla with Ms.Beerta Bajwa i/b. Lalla @ Lalla, Advocate  
for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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**CORAM    :   A.M.BADAR J.**

**DATED    :   5<sup>th</sup> JANUARY 2018.**

**P.C. :**

1                      This is application for grant of temporary bail for the period in between 15/01/2018 to 21/01/2018 moved by the applicant/accused, who is convicted of the offence punishable under Section 304 Part II of the Indian Penal Code and who is sentenced to suffer rigorous imprisonment for 10 years apart from payment of fine of Rs.5,000/-

2                      Heard the learned Advocate appearing for the applicant/accused. He argued that marriage of the daughter of the present applicant is scheduled to be held on 18/01/2018 at

Mumbai. The applicant wants to attend the marriage of his daughter and to perform several rites and customs including that of *kanyadan*.

3           The learned Additional Public Prosecutor opposed the application by contending that earlier application for suspension of sentence and releasing the applicant on bail was withdrawn.

4           I have carefully considered the rival submissions and also perused the Record and Proceedings.

5           The impugned Judgment and Order of conviction and resultant sentence dated 26<sup>th</sup> August 2015 passed by the learned Additional Sessions Judge in Session Case No.508 of 2014 shows that the applicant/accused was on bail during pendency of the trial. There is nothing on record to show that the applicant has misused his liberty while on bail.

6           Undisputedly, daughter of the present applicant is being married on 18<sup>th</sup> January 2018. The applicant is seeking temporary bail for the period in between 15<sup>th</sup> January 2018 to 21<sup>st</sup> January 2018. The applicant has stated the rituals which are required to be performed during the wedding ceremony of his daughter which are extending up to 19<sup>th</sup> January 2018.

7            In this view of the matter as the applicant is having no criminal antecedents and has permanent roots in the society, I see no reason to deny temporary bail to the applicant. As such, the Order :

- (i)    The application is allowed.
- (ii)   The applicant/appellant/accused is directed to be released on bail for the period in between 15<sup>th</sup> January 2018 to 21<sup>st</sup> January 2018 on executing P.R. bond of Rs.15,000/- and on furnishing surety in the like amount.
- (iii)   The applicant is directed to surrender himself before the prison authority on 22<sup>nd</sup> January 2018.
- (iv)   At the request of learned Advocate appearing for the applicant, the applicant is directed to be released on furnishing cash security of Rs.15,000/- apart from executing P.R.bond of Rs.15,000/-.
- (v)    The application is disposed of accordingly.

**(A.M.BADAR J.)**