

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.143/2018

Sumit s/o wasudeo Fulzele ..vs.. State of Maharashtra through PSO P.S.
Mankapur, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. C. B. Barve, Advocate for applicant.

Mr. N. B. Jawade, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 16, 2018

1. In view of order dated 15.02.2018 passed by Division Bench of this Court, the Criminal Appeal was allowed to be converted into bail application and that is how the matter is placed before me today for the first time.

2. In Misc. Criminal Application No. 23/2016, the present applicant filed an application for temporary bail in order to attend the marriage ceremony of his brother at Jabalpur. The learned Special Judge rejected the said application on 14.02.2018.

3. As per the statement of the learned counsel for the applicant, the marriage of elder brother of applicant namely; Sumed is to be performed at Jabalpur on 17.02.2018 and the marriage reception is at Nagpur on 18.02.2018.

4. Mr. Jawade, learned A.P.P. for the State, upon instructions makes a statement that there is marriage ceremony in the house of the applicant 17.02.2018 at Jabalpur and on 18.02.2018, the reception is scheduled.

5. The order rejecting the temporary bail application by the learned Special Judge reveals that the MCOCA Case is fixed for final arguments. Thus, all the prosecution witnesses are already examined by the prosecution.

6. The applicant's request for temporary bail to attend the marriage ceremony at Jabalpur is not pressed by the learned counsel for the applicant, however, he submits that the temporary bail be granted to the applicant to attend the marriage reception to be held at Nagpur on 18.02.2018.

7. In my view, for attending the reception at Nagpur, the applicant need not be released on temporary bail. The applicant can be permitted to attend the marriage reception at Nagpur under the police custody itself. The learned counsel for the applicant submits that the applicant is ready to deposit the expenses for the same. He will deposit the same before the appropriate authority.

8. In view of above, following order is passed.

ORDER

(i) Criminal Application No.143/2018 is partly allowed.

(ii) Applicant-Sumit Wasudeo Fulzele is permitted to attend the marriage reception of his brother Sumed on 18.02.2018 at the residential house of Wasudeo Fulzele, plot No.46, Kirti Nagar, Near Amit School, Dighori, Nagpur-34.

(iii) The applicant shall attend marriage reception on 18.02.2108 while in police custody.

(iv) Police Station Officer, Mankapur is hereby directed to take the applicant from Central Prison, Nagpur on 18.02.2018 at 11.00 a.m. and the applicant shall be taken to the address as mentioned in the preceding paragraph, under the police custody. The Superintendent, Central Prison is hereby directed to hand over the custody of the applicant Sumit Wasudeo Fulzele to the Police Station Officer, Mankpur or any other responsible police officer deputed by him on 18.02.2018 at 11.00 a.m.

(v) All the expenses for taking the applicant under police guards from the Central Prison for attending the marriage reception shall be borne by the applicant.

(vi) The applicant shall remain at the house of Wasudeo Fulzele, plot No.46, Kirti Nagar, Near Amit School,

Dighori, Nagpur-34 till 08.00 p.m. on 18.02.2018. The applicant is not permitted to visit any other place on his own or under police custody.

(vii) Police Station Officer, Police Station, Mankapur or any other responsible officer deputed by him shall hand over custody of applicant Sumit Fulzele to the Superintendent Central Prison, Nagpur not later than 08.30 p.m. on 18.02.2018.

(viii) The concerned parties are permitted to act upon the authentic copy, duly authenticated by the Court Scheristedar of this Court. The learned A.P.P. is also directed to communicate this order to the Police as well as the jail authorities.

The application is disposed of.

JUDGE