

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.317 OF 2019

Hemant Kedarnath Gaud, Age 20 years,
R/o.Room No.31, Chawl No.2,
Samata Rahiwasi Sewa Sangh, Mankhurd,
Mumbai-400 088.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Bharat K. Manghani with Ms.Hetal Jobanputra for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Bankar, Police Inspector, Trombay Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 29th January 2019

PC :

1. This is an application for bail on humanitarian ground for a temporary period. The applicant is arrested in connection with CR No.97 of 2018 registered with Trombay Police Station for offences under Sections 302, 342, 504 r/w 34 of Indian Penal Code. The applicant was arrested on 12th April 2018. The applicant had preferred an application for bail on merits before the Sessions Court which has been rejected on 30th October 2018. Learned counsel for applicant submitted that the mother of applicant has expired on 27th January 2019. Death certificate has been annexed to the application. It is submitted that last rites of his mother are yet to be performed. The applicant is the only son. Since the applicant is in custody, the funeral is postponed. It is submitted that the applicant had mentioned the matter before Sessions Court for seeking bail on

medical ground by tendering the application before the said Court, which was not entertained on the ground that the application of the applicant on merits has already been dismissed and such an application cannot be entertained.

2. Learned APP was directed to take instructions to verify the contents of this application. Admittedly the mother of applicant has been expired on 27th January 2019. The applicant is seeking bail for a temporary period of three weeks to attend funeral and other rituals to be performed on account of death of his mother. Learned APP submitted that at the most the applicant can be permitted to attend funeral rites of his mother under police escort.

3. It is pertinent to note that the applicant is in custody from 12th April 2018. The applicant is the only son and he is required to attend funeral and perform final rites and rituals on account of death of his mother. The applicant is permanent resident of Mumbai. Copy of Aadhar card of applicant has been annexed to this application.

4. Considering above, case for grant of temporary bail is made out. Hence, I pass following order :

ORDER

(i) The applicant is directed to be released on temporary bail in connection with CR No.97 of 2018 registered with Trombay Police Station, on his furnishing cash security in the sum of Rs.20,000/-;

(ii) This facility of temporary bail is granted for a period of two weeks from the date of his release;

- (iii) The applicant shall report Trombay Police Station every alternate day between 5 pm to 7 pm during the period of bail;
- (iv) The applicant shall surrender before Trombay Police Station on expiry of period of two weeks from the date of release;
- (v) All concerned to act on an authenticated copy of this order duly issued by registry of this Court.

(PRAKASH D. NAIK, J.)

MST