

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.545 OF 2019
IN
CRIMINAL APPEAL NO.517 OF 2015
WITH
CRIMINAL APPLICATION NO.1306 OF 2015

Chandrakant Keshav Khandekar, Age 60 years,
R/o.Pale Tarfe Ashtami, Tal.Roha,
Dist.Raigad, presently lodged at
Nashik Road Central Prison.

Applicant

versus

The State of Maharashtra

Respondents

Mr.Bhavesh Thakur I/by Rahul Arote for applicant.
Ms.P.P.Shinde, APP, for State.

CORAM : B.P.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 26th April 2019

PC :

1. Learned APP is seeking adjournment as she has still not received full instructions. We find that two sons of the applicant-prisoner are getting married on 28th April 2019 at two different villages at different times in very same Tahsil in Raigad District. The prisoner is currently in Nashik Road Prison.

2. The fact of marriages is not in dispute. He had sought parole earlier for the said purpose. However, that application has been rejected on the ground that earlier, within a period of twelve months only, he has already enjoyed parole and second parole on this

ground is not provided for in rules. Learned APP submits that in absence of provision in rules, this Court should not intervene in extraordinary jurisdiction.

3. The prisoner has pointed out that earlier he was released thrice on parole and has reported back on due date.

4. In this situation, we direct the respondents to release the applicant on temporary bail after obtaining appropriate bonds and undertakings from him and a surety in the sum of Rs.25,000/- for his timely return. The bonds and execution of surety be furnished before jail authorities. After the bonds are executed and surety is furnished, he shall be released forthwith with condition that he shall return back in Nashik Road Prison by 5 pm on Tuesday, 30th April 2019.

5. Criminal Application No.545 of 2019 is accordingly partly allowed and disposed off.

6. Parties and all concerned to act on authenticated copy of this order issued by registry of this Court.

(PRAKASH D. NAIK, J.)

(B.P.DHARMADHIKARI, J.)

MST