

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 815 OF 2019

(For Temporary Bail)

IN

CRIMINAL APPEAL NO. 517 OF 2015

Prakash Dattatray Khandekar

...Applicant

V/s.

The State of Maharashtra & Ors.

...Respondents

* * * * *

Mr. Rahul Arote, Advocate for the applicant.

Mr. V.B. Kondedeshmukh, APP for the respondent-State.

Mr. Govind Raghunath Madage, API, Roha Police Station,
Raigad present.

CORAM : SANDEEP K. SHINDE, &

SARANG V. KOTWAL, JJ

(VACATION COURT).

Friday, 24th May, 2019.

P.C. :

1. This is an application for temporary bail. The applicant is convicted by the Court of Sessions, Mangaon at Raigad in Sessions Case No.20 of 2012

under Sections 302, 307, 324 read with Section 149 of the Indian Penal Code. The major sentence is that of life imprisonment. The appellant has preferred Criminal Appeal No. 517 of 2015 which is pending final disposal before this Court.

2. This application is preferred by the applicant because he wants to attend the marriage of his daughter, Prajakta. A copy of the wedding invitation is annexed to the application at Exhibit-A.

3. We have heard, Mr. Arote for the applicant and Mr. Kondedeshmukh, learned APP for the State.

4. Learned APP, Mr. Kondedeshmukh, on instructions, accepts that the wedding is indeed fixed for 26th May, 2019. Mr. Arote submits that, in the past he was granted furlough and/or parole leave on six

occasions and on each of these occasions, he has reported back as was required by those orders. On the last occasion, he was granted parole leave on 1st June, 2018 and he has reported back on the appointed date i.e. on 17th July, 2018.

5. The applicant had applied for his release on parole for attending his daughter's wedding. However, the said application was rejected by the Prison Deputy Superintendent (Prison), Central Zone, Aurangabad as according to the Rules, he could not be granted parole leave within a period of one year from earlier order of parole for attending the wedding ceremony. Considering the background of the case and the fact that the applicant has reported back on the appointed dates in the past without committing any offences, we are inclined to grant relief in this case. Hence, the following order.

ORDER

(i) The applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.10,000/- (Rs. Ten Thousand only) with one surety in the like amount. The applicant is also directed to furnish cash security to the tune of Rs.15,000/- (Rs. Fifteen Thousand only) in addition to this. The applicant shall be released on bail from 25th May to 30th May, 2019.

(ii) The applicant shall attend Roha Police Station, Raigad on 27th May and 28th May, 2019.

(iii) The applicant shall report back to Nashik Central Prison by 5.00 p.m. on 30th

May, 2019.

(iv) The P.R. Bond shall be executed and security shall be furnished before the Jail Authorities.

6. It is reiterated this this order shall operate till 30th May, 2019.

7. Parties to act on authenticated copy of this order.

(SARANG V. KOTWAL, J) (SANDEEP K. SHINDE, J)