

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4792 OF 2019

Ramesh Nagnath Kadam .. Petitioner/Orig. Accused
Vs.
The State of Maharashtra .. Respondents
& Ors.

Mr.Niteen Pradhan, Senior Advocate i/b Ms. S.D. Khot for petitioner.

Mr.A.P. Kamkhedkar, APP for respondent No.1-State.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 1ST OCTOBER 2019

P.C.

1. Heard Shri Niteen Pradhan, the learned Senior Counsel for the petitioner and Shri Kamkhedkar, the learned APP for the respondent No.1-State.

2. The petitioner has approached this Court praying for temporary bail for the purpose of filing his Nomination Form for contesting the ensuing Maharashtra Legislative Assembly Election to be held in October 2019.

3. The petitioner is a sitting MLA from Mohol (Reserved) Constituency, having been elected in the year 2014. However, on 18th June 2015, the petitioner was arrested in C.R. No.336 of 2015, registered with Dahisar Police Station, for the offences punishable under sections

406, 408, 409, 420, 465. 467, 468, 471, 384, 120-B and 34 of the Indian Penal Code, 1863.

4. Shri Kamkhedkar, the learned APP submitted that the petitioner has an alternate remedy to file application before the trial court, however, he has approached this Court. The learned APP further submits that the petitioner may be granted temporary bail for the purpose of filing nomination form for the limited period and the same be done with the police escort.

5. Taking into consideration that the petitioner is an elected MLA and desirous to contest the ensuing Maharashtra Legislative Assembly Election to be held in the Month of October 2019, coupled with the fact that right to contest the election is a statutory right, we are inclined to release the petitioner on temporary bail in order to facilitate him to fill the nomination form as stated above.

6. Accordingly we pass the following order :-

- (i) The petitioner is directed to be released on temporary bail for the period of four days, i.e., 3rd October 2019 to 6th October 2019 in order to facilitate the petitioner to fill the nomination form on furnishing P.R. Bond in the sum of Rs.50,000/- and an amount of

Rs.50,000/- to be deposited with the Superintendent Prison, Thane.

(ii) The petitioner be released on 3rd October 2019 and he shall surrender before the Superintendent Prison, Thane by 5:00 P.M. on 6th October 2019 under the police escort. The police escort shall be decided by the Commissioner of Police, Thane.

(iii) The petitioner shall bear the expenses of the police escort.

(iv) The petition accordingly stands disposed of.

7. All concerned to act on an authenticated copy of this order.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]