

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

CRIMINAL BAIL APPLICATION NO. 586 OF 2020

Devendra Baburao Jagtap

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Vandana Tiwari for Applicant.

Ms. P. N. Dabholkar, APP for State/Respondent.

Mr. Mohan S. More, PC-041111, I.O., present.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th DECEMBER, 2020

P.C. :

1. This is an application for release of the applicant on temporary bail for 12 weeks in connection with C.R.No.24 of 2020 registered with DCB.CID. The applicant's application on merits was rejected by this court in the past. The order was challenged by way of Special Leave Petition. The Hon'ble Supreme Court dismissed that SLP, however, liberty was granted to the applicant to prefer an application before this court for temporary release on the ground of serious illness of his father. Accordingly, the applicant had

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approached this court for such release.

2. This court (Coram: Prakash D. Naik, J.) vide order dated 22/08/2019 passed in Criminal Bail Application No.112 of 2019 had granted further liberty to the applicant to approach the trial court for his release on temporary bail on the ground of illness of his father. Thereafter the applicant had approached the trial court by filing an application at Exh.213. That application was rejected.

3. I have heard the learned counsel for the applicant and the learned APP for the State.

4. The learned counsel for the applicant submitted that, applicant's father is critically ill. He is 87 years of age. The applicant is in custody since past 11 years, therefore, on the humanitarian ground, he should be granted temporary bail for a period of 12 weeks.

5. Learned APP opposed this application by filing an affidavit. In that affidavit it is specifically mentioned that, on verification it was found that the applicant's father was moving around independently and was not critically ill. The applicant's elder sister is staying with his father and she could take care of his father.

6. I have considered the record of this case. The offence is very serious. The applicant's application on merits was rejected in the past. Considering the background of this case, I am not inclined to grant temporary bail to the present applicant. However, purely on humanitarian ground I am permitting the applicant to meet his father with escorts.

7. Hence, the following order :

ORDER

- (i) The applicant is permitted to meet his father on 04/01/2021, 11/01/2021 and 18/01/2021 between 9.00a.m. to 05.00p.m.

- (ii) The applicant shall be taken to meet his father under escorts in plain clothes.
- (iii) The number of escorts and the security measures to be taken shall be decided by the jail authorities in consultation with the I.O. of this case.
- (iv) All the protocols and rules prescribed in the current situation of Covid-19 Pandemic shall be strictly followed.
- (v) The expenses for the escorts shall be borne by the State Government on humanitarian ground.
- (vi) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)