

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO. 445 OF 2020

IN

CRIMINAL APPEAL NO.61 OF 2020

(BENIRAM ADAKU TEMBHURNIKAR...VS. STATE OF MAHARASHTRA, THR. PSO PS GOREGAON,
DIST. GONDIA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ishant Tambi, Advocate for Applicant/Appellant.
Shri M.K.Pathan, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : NOVEMBER 02, 2020.

Heard Shri Ishant Tambi, Advocate for the applicant/appellant and Shri M.K.Pathan, learned A.P.P. for the non-applicant/respondent.

The appellant/convict has challenged the judgment passed by the trial Court convicting him for the offence punishable under Section 302 of the Indian Penal Code and sentencing him to imprisonment for life. The appeal is admitted and is pending for final hearing. Criminal Application (APPA) No.80 of 2020 filed by the appellant seeking suspension of sentence and directions to the respondent/ State to release him on bail was withdrawn by the appellant on 11th March 2020 after this Court expressed its view indicating rejection of the criminal application. Then the appellant moved LDVC Criminal Application (APPA) No.887 of 2020 seeking provisional bail as per Rule 19(1)(c) (ii) of the Prisons (Bombay Furlough and Parole) Rules, 1959. By order dated 24th July 2020, this Court provisionally suspended the sentence imposed on the appellant and directed the respondent/State to release him on temporary

bail for 45 days on conditions as stated in the order. Accordingly, the appellant came to be released on temporary bail. The period of 45 days has expired on 28th October 2020 and therefore, now this criminal application is moved praying that the period of temporary bail be extended further by 45 days.

For the reasons stated in the order dated 24th July 2020 and as the respondent/State has not made any complaint that the appellant has misused the liberty, we pass the following order:

- i) The sentence imposed on the appellant is further provisionally suspended and the period of temporary bail is extended further for 45 days from 29th October 2020 or till the notification issued under the Epidemic Diseases Act, 1897 continues.
- ii) The appellant shall surrender before the Jail Authorities within three days of cessation of the notification issued under the Epidemic Diseases Act, 1897 or period of 45 days expire and is not continued further by this Court, whichever is earlier.

The Criminal Application is **allowed** in the above terms.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)