

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2677 OF 2021
IN
BAIL APPLICATION NO. 3127 OF 2021

Prabhakar Devba Gharge ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.Dilip Bodake for the Applicant.

Mrs. P.P.Shinde, APP for the Respondent -State.

Mr.Sanjeev Kadam a/w. Ms. Varsha Thorat i/b. Mr. PP. Raul for the
Intervenor/ informant.

Mr.Maloji Deshmukh, API, Vaduj Police Station, Sangli.

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CORAM: V.G.BISHT, J.

DATE: 16TH NOVEMBER, 2021

PC:-

1. This is an Interim Application filed by the applicant in Criminal Bail Application No. 3127 of 2021 (for regular bail) in connection with Sessions Case No. 40 of 2021 arising out of C.R. No. 80 of 2021 registered with Vaduj Police Station, Vaduj, District-Satara under Sections 302, 143, 147, 148, 149, 323 and 201 of the Indian Penal Code praying that the applicant, who is accused No. 3, may be released on temporary bail for the period from

04.11.2021 to 21.11.2021 so as to contest the election and canvass his candidature for the post of Member of Managing Committee of District Central Co-operative Bank, Satara and to cast the vote in ensuing election of the Board of Director of Satara District Co-operative Bank scheduled to be held from 27.10.2021 to 21.11.2021.

2. Heard learned Counsel for the applicant, learned APP and learned Counsel for the Intervenor/ informant.

3. It appears that this Application came up for hearing before the Vacation Court (**Coram : Surendra P. Tavade, J.**) on 03.11.2021 wherein the learned Counsel for the applicant alternatively prayed for allowing the applicant to exercise the right of vote in Police Escort from Kalamba Central Prison, Kolhapur to Vaduj District - Satara on 21.11.2021. This prayer was acceded to by learned APP and learned Counsel for the intervenor/ informant and, therefore, came to be posted for further consideration on 12.11.2021. However, on 12.11.2021, another Vacation Court, namely, (**Coram: Madhav J. Jamdar, J.**) could not take up the matter because of paucity of time and posted the matter on 15.11.2021.

4. After hearing both the sides and pointing out alternate prayer of learned Counsel for the applicant, which was made before the Vacation Court on 03.11.2021, all the parties readily agreed to accept the proposal so given by learned Counsel for the applicant.

5. In view of above, I pass the following order :

ORDER

(i) The applicant, who is lodged in Kalamba Central Prison, Kolhapur, in connection with C.R. No 80 of 2021 registered with Vaduj Police Station, Vaduj, District -Satara for the offences under Sections 302, 143, 147, 148, 149, 323 and 201 of the Indian Penal Code be released on temporary bail on his executing PR. Bond in the sum of Rs. 25,000/- only for a day i.e. 21.11.2021 so as to enable him to exercise his right of vote in the election of Member of Managing Committee of District Central Co-operative Bank, Satara on 21.11.2021 from 8.00 am to 5.00 pm under the Police Escort from Kalamba Central

Prison, Kolhapur to Vaduj, District -Satara on payment of necessary Police Bhatta as per rules.

(ii) It is also made clear that the applicant should not be in handcuffed at or around the polling booth till the polling time is over and be taken back to Kalamba Central Prison after the polling time is over.

(iii) Registry and learned APP are directed to communicate this order to Jail Superintendent, Kalamba Central Prison, Kolhapur.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The Interim Application stands disposed of accordingly.

(V.G.BISHT, J.)