

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2243 OF 2021

Rakesh Shrikant Khanivdekar	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Ms.Khevana Dagli with Divyam Sheth for the applicant.
Mr.A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 10th AUGUST, 2021

P.C:-

1 After a series of orders passed, finally the learned APP state that they have assessed the address given by the applicant's wife where she is staying with her little child who is undergoing rounds of Chemotherapy since she is suffering from Blood cancer. The minor daughter of the applicant is aged 3 years and is being treated in Wadala Hospital, Parel, Mumbai. Her medical reports placed on record came to be confirmed through the Investigating Officer who do not dispute that the little girl is undergoing the treatment. Undisputedly, the applicant is charge-sheeted in a serious offence under the NDPS Act and it is alleged that the quantity of contraband involved is huge and the applicant is

indicted in the said C.R. on the basis of the raid which was conducted. Without touching the merits of the matter, the difficulty expressed by the applicant has persuaded me to look into the frantic prayer made by a helpless father whose three year old child is in agony, and he pray that he should be permitted to visit his daughter at this stage where she is in immense pain and mental trauma. His presence will also boost the morale of the mother of the child who is fighting the battle by putting herself in premises located in Wadia Hospital, Parel for the time being.

2 As the State is expected to be sensitive and alive to the welfare and well being of its citizens, learned APP through the Investigating Officer has gracefully agreed that if the applicant be permitted to visit his daughter and that he can be released on temporary bail for a period of three days, but all the while when he remain with his family, he shall be continued to be guarded by the police force. Considering the gravity of the accusations faced by him, such a positive approach on the part of the State reinforce the faith of its citizens in the State machinery, who is also responsible for maintaining law and order situation and guard the rights of its citizens.

3 The applicant who has been realized to be entitled to be in the Company of his ailing daughter and wife on account of the peculiar contingency expressed and which has been confirmed

from the papers placed on record, the applicant is entitled to be released on temporary bail for three days from 17th August to 19th August 2021.

4 It is informed that the applicant is presently housed in Yerwada Central Prison and he shall be escorted out of prison at 6.00 am on 17th August 2021 by the police authorities to be deputed by Hinjewadi police station to Room No.2, Chawl No.575, Municipal Chawl, G.D. Ambedkar Road, Bhoiwada, Parel, Mumbai. He will continue to stay at the given address for a period of three days and shall be escorted back to the prison at 5.00 p.m on 19th August 2021.

4 It is made clear that the applicant shall not move out of the said room and shall remain housed in the said room in the Company of his daughter, wife and his mother-in-law. No other person shall be allowed to visit the applicant during his visit. He shall not be allowed to use any mobile phone or another electronic gadget, so as establish contact with any person outside the room.

The applicant is allowed to stay on the given address under the surveillance of the police officials who will guard the room by remaining outside.

At 5.00 p.m, on 19th August 2021, he shall surrender himself before the police personnel positioned outside, who shall

reach him in the Yerwada Central Jail and the Jail Superintendent shall record his entry. The State has gracefully accepted that since the applicant is already in financial lurch, by catering to the ailment of his minor daughter, he shall not be made further liable to bear the escort charges, and the said charges will borne by the State. The applicant is entitled to his temporary release subject to the following stipulation. Hence, the order :-

ORDER

Application is allowed in the following terms :-

- (a) The Applicant – Rakesh Shrikant Khanivdekar in connection with C.R.No.1089 of 2020 shall be released on temporary bail from 17th August 2021 to 19th August 2021 on furnishing P.R. bond to the extent of Rs.15,000/- with one or two sureties of the like amount.
- (b) The applicant applicant shall abide by the conditions imposed by this Court mentioned above and any breach of the conditions aforesaid, will entitle the police to take him into custody.

SMT. BHARATI DANGRE, J