

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1461 OF 2022
IN
CRIMINAL APPEAL NO. 461 OF 2018

Devendra Baban Raut .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Ramchandra K. Mendadkar for the Applicant.
 - Ms. P. P. Shinde, APP for the State.
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**CORAM : SMT. SADHANA S. JADHAV &
MILIND N. JADHAV, JJ.**

DATE : MAY 05, 2022.

P.C.:

1. Through this application, the Applicant - original accused is seeking temporary bail in view of the fact that his brother - Mr. Yogesh Raut is getting married on 16.05.2022.

2. The Applicant is convicted for the offence punishable under Section 302 of the Indian Penal Code by the Sessions Court at Ratnagiri in Sessions Case No. 22 of 2016 vide judgment and order dated 19.07.2017 and that the Applicant is in custody since 07.05.2016.

3. At the trial, the Applicant herein had taken a defence of insanity

however the same was not proved and moreover fitness certificate was issued clarifying therein that he is mentally fit to face the trial. Be that as it may, in the interest of justice, the Applicant deserves liberty temporarily to attend the wedding of his brother and the same deserves to be granted. However, we make it clear that temporary bail cannot be granted in view of the fact that the Appeal is pending against the Applicant/Appellant.

4. The Applicant at present is lodged in Yerwada prison. The marriage is to take place at Kodiwale, Kasarwadi, Tal. Rajapur, District-Ratnagiri.

5. Learned counsel for the Applicant upon instructions from the brother of the Applicant submits that the Applicant only desires to see his brother getting married. The learned counsel for the Applicant humbly submits that the economic condition of the Applicant is stringent and therefore, he cannot afford the expenses for the escort. On humanitarian ground we therefore direct that escort fee to keep the Applicant present for brother's wedding shall be borne by the State. In view of this, we pass the following order :

- (i) The Application is allowed;
- (ii) The Applicant shall attend the marriage of his brother Mr. Yogesh Raut on 16.05.2022;

- (iii) The jail Authorities shall make arrangement for him to attend the marriage which is to take place at 1:50 p.m.;
- (iv) The Applicant shall return to the jail alongwith the police by evening;
- (v) The charges for the escort shall be borne by the State in the interest of justice;
- (vi) With the above directions, the Application is disposed of.

[MILIND N. JADHAV, J.]

[SMT. SADHANA S. JADHAV, J.]