

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

**INTERIM APPLICATION NO. 1777 OF 2022
IN
CRIMINAL APPEAL NO. 752 OF 2018**

Mahesh Ashok Patil ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms.Madhavi Ayyappan i/b. Talekar and Associates for the Appellant.
Mrs. P.P. Shinde, APP for the Respondent – State.

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**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 17th JUNE 2022.

P. C. :

1. Heard learned Counsel for the parties.
2. By this interim application, the applicant seeks temporary bail on account of delivery of his wife for a period of three months, pending the hearing and final disposal of the appeal.
3. Perused the papers.
4. The applicant has been convicted for the offences punishable under Sections 302, 307, 143, 147, 148, 323, 504, 506 read with

149 and Section 120B of the Indian Penal Code ('I.P.C.') and has been sentenced to suffer imprisonment for life with fine of Rs. 2000 vide judgment and order dated 23rd April, 2018 passed by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 63 of 2013. Aggrieved by the said judgment and order, the applicant has filed the aforesaid appeal.

5. It appears that the applicant had earlier filed an application seeking suspension of sentence, however, the said application was disposed of as withdrawn. It also appears that the applicant is in custody since December, 2013 and was released on regular parole for 45 days on 16th September, 2019 and on furlough for 28 days on 27th November, 2019. It also appears that the applicant was granted parole during the Covid- 2019 pandemic and has now surrendered pursuant to the order passed by the Apex Court. It appears that the applicant when on Covid bail, got married to one Ms. Yadnyaseni Sunil Ghorpade on 6th June, 2021.

6. According to learned Counsel, the applicant's wife was found to be anemic during her pregnancy and that the Doctor had advised

her to take complete bed rest for having a safe delivery. Learned Counsel has annexed the case papers of the applicant's wife (Exhibit C of the petition). According to learned Counsel, the applicant and his brother are the only male members in their family, consulting of the applicant's mother, grandmother and his wife. Learned Counsel further submits that there is no one in the family, except the applicant to take care of his wife, since the applicant's only brother is also undergoing life imprisonment with him. She further submits that the mother of applicant is 66 years old and is ailing and bed ridden due to an accident, whereas, the grandmother is 87 years old. She further submits that the applicant has not misused his liberty whilst on parole/ furlough and covid parole and that the applicant has also surrendered, pursuant to the order passed by the Supreme Court. She further submits that if the applicant is released on temporary bail, then he can make necessary arrangements for his wife and his new born child of few days.

7. It is not in dispute that the applicant's wife has delivered a child on 8th June, 2022. It is also not disputed that there is no other member in the family of the applicant to look after the child and to

make necessary arrangements. We are informed that even the family members of the applicant's wife have no contact with the applicant's wife and as such the applicant's wife has no support from her family.

8. Having regard to the peculiar facts and circumstances of the case, we allow the interim application, on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 10,000/- till 15th July, 2022;
- (ii) The applicant shall attend the concerned Police Station twice in a week on Tuesday and Saturday between 10:00 a.m. to 11:00 a.m, until 15th July, 2022;
- (iii) The applicant shall surrender before the jail authority on 16th July, 2022.
- (iv) The interim application stands disposed of.

9. The matter to be placed under the caption **“regarding compliance of surrender of the applicant”** on 18th July, 2022.

10. It is made clear that no further application seeking extension of temporary bail shall be entertained by this Court.

11. All concerned to act on the authenticated copy of this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.