

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

BAIL APPLICATION NO. 139 OF 2022

Chandrakant Arvind Nerlekar and Anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

Mr. Ganesh Gole i/b Ritesh Ratnam for the Applicant.

Mr. Y.Y. Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 14 JANUARY 2022
(Through Video Conferencing)**

P.C.

1. This is an application for temporary bail for attending the customary rites on account of death of the brother of the Applicants.

2. On 13.01.2022, this application was pressed only on behalf of Applicant No.1.

3. I have heard the learned counsel for the Applicants and the learned APP.

4. It is submitted by the learned counsel for the Applicants that the elder brother of the Applicants has died on 04.01.2022 and the

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religious rites are to be performed for which there is no adult male member in the family. He, therefore, submitted that the Applicant be released on temporary bail.

5. The learned APP has submitted that both the Applicants were allowed to attend the funeral rites of the deceased on 06.01.2022 at Panchganga crematorium at Ichalkaranji under custody. In short, it is pointed out that under the orders of the learned Sessions Judge, dated 05.01.2022, both the Applicants were taken for attending the funeral. The learned APP submitted that a similar order may be passed, if, found fit.

6. The learned counsel for the Applicants submitted that the Applicants were required to bear the expenses when they were allowed to attend the funeral under custody and the amount of the charges were about Rs.23,000/- and odd. The learned counsel submitted that even a convict is entitled to death parole and there is no reason why the Applicant-accused who is still an under trial prisoner, should be refused such liberty.

7. I have considered the submissions made. I find that on 06.01.2022, both the Applicants were allowed to attend the funeral

rites under custody. Now, it is only the Applicant No.1 who is seeking temporary bail. However, considering the over all circumstances, it would be appropriate to allow the Applicant No.1 to attend the religious rites under custody on same terms and conditions as per the order passed by the learned Sessions Judge on 05.01.2022.

8. Criminal application is disposed of accordingly.

(C.V. BHADANG, J.)