

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

**INTERIM APPLICATION NO. 966 OF 2022
IN
CRIMINAL APPEAL NO. 206 OF 2021**

Swapnil Vijay Bhilare	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL APPEAL NO. 171 OF 2022**

Mahesh Dattatraya Wagh	..Appellant.
Versus	
The State of Maharashtra	..Respondent

Mr. Aniket Vagal for Applicant. _____
Mr. S. S. Hulke, APP for State/Respondent

CORAM : S. S. SHINDE AND
SARANG V. KOTWAL, JJ.
DATE : 25th MARCH 2022.

PC :

1. This is an application for temporary bail from 25/03/2022 to 08/04/2022 to enable the applicant to attend the marriage ceremony of his younger brother. The applicant was the original accused No.1 in Sessions Case No. 460 of 2015 on the file of Additional Sessions Judge, Pune. The applicant along with 8

others were convicted for commission of an offence punishable under section 302 r/w. 34 of IPC as the main offence. He was sentenced to suffer imprisonment for life. The impugned Judgment and order was passed on 30/01/2021. The incident is dated 01/12/2014 in which one Eknath was assaulted by the applicant and others with sickle, sword, chapper etc. The applicant had not filed an application for bail pending the Appeal on merits. The present application is only for temporary bail to attend the marriage ceremony of his brother.

2. Learned APP has taken instructions and has confirmed that the marriage ceremony is fixed on 27/03/2022. However, the marriage is to take place at 6.45p.m. The applicant, at present, is lodged in Nasik Road central prison and, therefore, he will have to travel from Nasik to Pune. The application is moved rather late. Learned APP pointed out that the incident is a result of rivalry between the two groups and, therefore, he has strongly opposed grant of bail to the applicant.

3. Considering these submissions, we are not inclined to

grant even temporary bail to the applicant. However, we considered whether the applicant can be taken to Pune with escort, but their again the timing of the marriage is in the evening and there would be difficulty in keeping the applicant with escort during night time. Therefore, even that solution is not practicable.

4. In this background of the matter, the application cannot be entertained and is disposed of.

5. The record shows that the Appeal is directed to be listed for final hearing on weekly board commencing from 25/04/2022. The same order shall continue and main Appeal shall be added to the weekly final hearing board as directed earlier.

6. With these directions the application is disposed of.

(SARANG V. KOTWAL, J.)

(S. S. SHINDE, J.)