

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1 CRIMINAL APPLICATION NO.1693 OF 2023
IN APEAL/861/2015**

**GOVIND S/O BABARAO THITE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Sapkal Sandip R.
APP for Respondents/State : Mr. V.S. Badakh
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**CORAM : Y.G. KHOBRAGADE, J.
(Vacation Court)
DATE : 22.05.2023**

PC. :

1. The applicant/accused-Govind s/o Babarao Thite has filed present application him for releasing on temporary bail for a period of two months on the ground of attending marriage ceremony of his nephew namely-Aniket Babasaheb Pandurang scheduled on 01.06.2023 at 6.00 p.m. at Rajlaxmi Mangal Karyalaya, Parbhani.
2. Heard advocate Mr. Sapkal for the applicant and Mr. Badakh the learned APP for the State.
3. The learned counsel appearing for the applicant submitted that marriage of applicant's nephew-Aniket Babasaheb Pandurang is scheduled on 01.06.2023 at Rajlaxmi Mangal Karyalaya, Parbhani. The presence of applicant being maternal uncle of groom is necessary to

perform religious function / rituals. The venue of marriage is situated within the jurisdiction of City Police Station, Parbhani. The applicant/accused is undergoing sentence in Harsul Prison, Aurangabad. It is canvassed that the applicant/accused is in custody since 2012. The applicant has undergone almost eleven years of sentence. The applicant was released on Covid bail and before expiry of Covid bail period he already surrendered and not on a single occasion he has breached bail conditions and as such the applicant wanted to perform some religious ceremony of his nephew-Aniket Babasaheb Pandurang while performing the marriage. Therefore, the applicant prayed for releasing him on temporary bail.

4. The prosecution has filed reply but not disputed the schedule of marriage of applicant's nephew on 01.06.2023 at about 6.00 p.m. at Rajlaxmi Mangal Karyalaya, Parbhani. P.I. - Mr. Kundankumar Waghmare attached with Jintur Police Station submitted that previously the applicant/accused availed parole / furlough facilities on 13 – 14 times but he surrendered to the jail authorities soon after his leave period was over. The surety of the applicant Shri Rajendra Thite undertaken that the applicant would attend Jintur Police Station during fixed period and the applicant would not raise any dispute or quarrel with anyone. So also, the applicant would surrender before the jail authority after the bail period is over.

5. The learned counsel appearing for the applicant submitted

that after the marriage ceremony of nephew gets over the applicant would surrender to the jail authority to serve the sentence. Therefore, the applicant be released on temporary bail. In support of his submission the learned counsel for the applicant placed reliance on the case of **Sunil Rama Kuchkoravi V/s. State of Maharashtra; 2023 DGLs (Bom.) 1105, Jitendra V/s. The State of Gujarat & Anr.; MANU/SCOR/54772/2023** and **Balwan Singh V/s. The State of Chhattisgarh & Anr.; MANU/SCOR/14501/2018**.

6. It is not in dispute that, on 05.11.2015, the learned trial Court passed the judgment and order in Sessions Trial No.103/2012 and held guilty to the present applicant/accused for the offence punishable under Section 147, 148, 149, 302, 307 of the I.P.C. and sentenced for life imprisonment. It is also not in dispute that since 2012 the applicant is in jail and undergone almost eleven years of sentence. During the period of sentence the applicant/accused had availed 13 – 15 times furlough / parole leave facility. The prosecution has not denied that the applicant/accused promptly surrendered to the jail authorities on expiry of leave period. Since the prosecution has not disputed that the marriage ceremony of applicant's nephew-Aniket Babasaheb Pandurang is scheduled on 01.06.2023 at Rajlaxmi Mangal Karyalaya, Parbhani which is quite away from the place of occurrence of incident of murder. The applicant wanted to perform some ritual / religious ceremonies of his nephew. Therefore, considering overall view of the matter as well as the cited case laws, it would be just and

proper to release the applicant/accused on temporary bail on 31.05.2023 and 01.06.2023 to attend the marriage ceremony of his nephew-Aniket Babasaheb Pandurang as well as post marriage rituals on 01.06.2023. The applicant would be escorted by the police authorities in civil dress at the marriage venue and post marriage venue on 31.05.2023 and 01.06.2023. The applicant would deposit the required escort party charges. In view of above, I am inclined to grant present application and proceed to pass the following order:

ORDER:

- i) Criminal Application No.1693/2023 in Criminal Appeal No.861/2015 is hereby partly allowed.
- ii) Applicant/accused – Govind Thite be released on temporary bail in between 9.00 a.m. to 11.00 a.m. on 31.05.2023 till 01.06.2023 under police escort to attend the marriage ceremony of his nephew-Aniket Babasaheb Pandurang at Rajlaxmi Mangal Karyalaya, Parbhani.
- iii) The applicant/accused shall attend City Police Station, Parbhani on 31.05.2023 at about 5.00 to 6.00 p.m. and on 01.06.2023 at about 10.00 a.m.
- iv) The applicant/accused is permitted to deposit escort charges with the concerned authority.
- v) On deposit of said charges the concerned authority shall provide escort in civil dress on both days. The escort party is hereby directed to bring back the applicant/accused on 02.06.2023 at about 11.00 a.m. to the jail.

vi) All concerned to act on an authenticated copy of this order duly authenticated by Registry of this Court.

(Y.G. KHOBRADE, J.)

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