

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

CRIMINAL APPEAL NO. 433 OF 2023

SANTOSH KISANAPPA TORKAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. Sohail Subhedar
h/f. Mr. Ghanekar Nilesh S.
APP for Respondent No. 1 : Mr. P.N. Kutti
Advocate for Respondent No. 2 : Mr. Ajinkya Reddy

**CORAM : R.M. JOSHI, J.
(VACATION COURT)**

DATE : 12th May, 2023

PER COURT :

1. At the outset learned APP states that the intimation about the present appeal is given to the respondent no. 2.
2. Since, respondent no. 2 is absent. Learned counsel Mr. Reddy, is appointed to represent respondent no. 2.
3. This appeal is filed for release on temporary bail for attending marriage of daughter of the appellant.
4. With the assistance of learned counsel appointed for the present respondent no. 2 as well as learned APP, this Court has

considered the facts on record as well as stage of the Trial before Sessions Court.

5. It is informed to this Court that in Special Case No. 25 of 2020, six witnesses are already examined, which includes informant, two last seen witnesses, spot panch, inquest panch and one more hearsay witness. Thus, it is clear that the material witnesses are already examined and hence, there is no reason to apprehend that on being enlarged on temporary bail, appellant is likely to interfere with evidence of prosecution.

6. Appellant is seeking temporary bail for the period of 15 days to attend the marriage of his daughter which is scheduled to be held on 15th May, 2023. No doubt the appellant is facing serious charge however that does not mean that he should be prevented from attending the marriage of his daughter. It is expected that father is present in the marriage of daughter to perform various ceremonies. Having regard to the sentiments of the daughter and father as well as considering requirement of performance of religious rituals in the marriage ceremony, it is a fit case to release the appellant on temporary bail.

7. However, at the same time to ensure that appellant does not abscond, appropriate conditions are required to be imposed.

8. Having regard to the fact that the temporary bail is sought on account of marriage of the daughter, in view of this Court, five days of temporary bail would be sufficient for the purpose of attending the marriage as well as conducting pre and post marriage ceremonies.

Hence, following order :

- i. Appellant is directed to be released on temporary bail on furnishing bond of Rs. 15,000/- in with one surety in like amount.
- ii. He be released for the period from 13th May 2023 to 17th May, 2023. He shall report to the concerned Jail before evening on 17th May, 2023.
- iii. During above period, he shall attend Basamba Police Station every evening.
- iv. Appeal stands allowed in above terms.
- v. Parties to act upon authenticated copy of this order.

vi. Fees payable to learned counsel for respondent no. 2 is quantified at Rs. 6,000/-.

Secretary, Legal Services Sub-Committee,
Aurangabad, to do needful.

[R.M. JOSHI, J.]

SPChauhan