

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.146 OF 2023**

IN

CRIMINAL APPEAL NO.425 OF 2013

Ganesh Hanumant Ghuge	]	
Presently in Open District Paithan,	]	
District Aurangabad	]	
(Applicant in Yerwada Jail)	]	Applicant
Vs.		
State of Maharashtra	]	Respondent

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Mr. Sushan Mhatre, Appointed Advocate for Applicant.

Ms. P.P. Shinde, A.P.P, for Respondent - State.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 12th JANUARY, 2023.

P.C.

1. In view of the order dated 28th March, 2022 passed by the Co-ordinate Bench, the aforesaid application has been placed before this Court.

2. By this application, the applicant seeks temporary bail for the period from 14th January, 2023 till 24th January, 2023, on the premise that he intends to appear for his Masters examination i.e (M.A) in Marathi, during the said period.

3. Perused the papers. The applicant is serving life sentence in the open District Prison, at Paithan, Aurangabad since 5th November, 2018. It appears that he was transferred from Yerwada Central prison to undergo imprisonment at Paithan after his selection for open prison.

4. It is a matter of record that the applicant was convicted for the offences punishable under sections 302, 364, 365, 342, 384 and 201 of the Indian Penal Code and that his appeal is pending before this Court. It is also matter of record that the applicant was earlier released on furlough and parole and that he has complied with the orders passed by the Authorities and has reported in time, as directed by the Authorities.

5. It appears that the applicant has completed his B.A in June, 2018 from the Yashwantrao Chavan Maharashtra Open University, Nashik. Presently, he is a Yoga Instructor in the open prison. It appears that the applicant has also written several articles, twelve books and hundred poems, which have been published.

6. The aforesaid application has been filed by the applicant as he intends to appear for his M.A (Marathi) examination which commences from 15th January, 2023 and ends on 22nd January, 2023. The applicant has enrolled himself in the Yashwantrao Chavan Maharashtra Open University, Nashik and the centre for appearing for the said examination is K.N. Bhise College, Paranda Road, Kurduwadi, District Solapur. The said examination is for a period of one week.

7. Learned Counsel for the applicant has annexed to the said application the examination timetable.

8. Learned A.P.P does not dispute the fact, that on earlier occasions, the applicant has reported after being granted furlough and parole well in time. She also does not dispute that the applicant is in prison. We are informed that the applicant has already been given a seat number.

9. Hence, to enable the applicant to appear for his M.A (Marathi) examination, we allow the application and release the applicant on temporary bail for the period from 14th January, 2023

to 24th January, 2023.

10. The applicant be released on cash bail in the sum of Rs.7500/- and P.R Bond for the said amount to be given before the Jail Authority, where he is currently lodged.

11. During the period of his release, the applicant shall attend the Kurduwadi Police Station, on 18th January, 2023 and 21st January, 2023, post his examination.

12. The application is disposed of, in the aforesaid terms.

13. Learned A.P.P to forthwith communicate this order by fax to the Jail Authorities, so as to enable them to comply with the said order and release the applicant on cash bail and P.R bond, as directed aforesaid.

14. All the parties to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]