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

**INTERIM APPLICATION NO. 378 OF 2023
IN
CRIMINAL APPEAL NO. 557 OF 2021**

Ehtesham Qutbuddin Siddiqui	...Applicant
Versus	
State Of Maharashtra And Anr.	...Respondents

**WITH
CRIMINAL APPEAL NO. 72 OF 2019**

**WITH
CRIMINAL APPEAL (ST) NO. 430 OF 2022
WITH
INTERIM APPLICATION NO. 4224 OF 2022
WITH
INTERIM APPLICATION NO. 147 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 430 OF 2022**

**WITH
CRIMINAL APPEAL NO. 553 OF 2021
WITH
CRIMINAL APPEAL NO. 554 OF 2021
WITH
CRIMINAL APPEAL NO. 555 OF 2021
WITH
CRIMINAL APPEAL NO. 556 OF 2021
WITH**

**CRIMINAL APPEAL NO. 655 OF 2022
WITH
INTERIM APPLICATION NO 836 OF 2021
IN
CRIMINAL APPEAL NO. 655 OF 2022**

**WITH
CRIMINAL APPEAL (ST) NO. 6190 OF 2020**

**WITH
CRIMINAL CONFIRMATION CASE NO. 2 OF 2015
WITH
INTERIM APPLICATION NO. 683 OF 2022
WITH
INTERIM APPLICATION NO. 2742 OF 2022
IN
CRIMINAL CONFIRMATION CASE NO. 2 OF 2015**

**WITH
CRIMINAL APPEAL NO. 333 OF 2022**

**WITH
CRIMINAL APPEAL NO.71 OF 2019
With
APPLICATION NO. 418 OF 2019
WITH
INTERIM APPLICATION NO. 1014 OF 2021
WITH
INTERIM APPLICATION NO. 560 OF 2021
IN
CRIMINAL APPEAL NO.71 OF 2019**

Mr. Mujahid Ansari i/b. Mr. Ibraheem K. M. for the applicant appointed through Legal Aid.

Smt. M. M. Deshmukh, learned APP for respondent-state

Mr. Chimalker, Spl. PP for ATS, Mumbai

Mr. Prashant Mohite, PI, ATS Mumbai - present

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 1st FEBRUARY, 2023

P.C.:

1. This application is by convict who is awarded capital punishment. The death confirmation reference so also the appeal of the applicant is pending before this Court.

2. It is the case of the applicant that he has cleared his first year

LL.B. examination in December, 2014 when he was facing a trial. Since he had intention to improve his qualification, he has applied to the Mumbai University for taking examination in 3 years LL.B. course for Sem III course, which is scheduled from tomorrow i.e. 02/02/2023. As such, he has prayed for release on temporary bail for 10 days so as to enable him to appear for the examination or in alternate he has prayed for making appropriate transport arrangements by providing escort so as to enable him to appear for the aforesaid examination.

3. Learned Special P.P. has objected the aforesaid application on the ground that the petitioner, a death convict with such a short notice cannot be provided escort particularly having regard to the policy of the State Government as reflected in the Government Circular 10/02/2022 issued by Home Department. According to him, it is for the applicant to approach the jail authorities with a prayer so as to evaluate the escort charges as per aforesaid notification, which the applicant is duty bound to deposit. He would urge that the applicant has not approached the State Government with his prayer and has directly moved before this Court.

4. We have appreciated the aforesaid submissions.

5. The fact remains that the examination is commencing from 02/02/2023. Admittedly, the applicant has not approached the State Government/jail authority pursuant to the aforesaid circular dated

10/02/2022 with a prayer for providing escort so as to facilitate him to appear in the aforesaid examination. As such, respondent-authorities were handicapped in dealing with said prayer. The fact remains that the application was served on the Special P.P. allegedly on 27/01/2023 and according to him he was short of time to process the request.

6. In view of above, we do not see any convincing reason particularly keeping in mind that the applicant is lodged in the Nagpur Central Prison and the place of examination being Mumbai, to direct his production at Mumbai in such short notice.

7. Since the applicant is death convict there is no question of granting temporary bail for the aforesaid cause. However, this will not preclude the applicant to approach the respondent-authorities with a prayer for providing escort so as to facilitate him to appear for the next examination of 3 years LL.B. Sem III course.

8. Keeping such right reserved, the present application stands disposed of.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)