

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1820 OF 2023
IN
CRIMINAL APPEAL NO. 1397 OF 2019**

Dipak Mahadev Jambhale

.....Applicant

V/s.

State of Maharashtra and anr.

....Respondents

Mr. Prasad Avhad i/by. Mr. Kuldeep U. Nikam, *for the applicant.*

Ms. M.R. Tidke, *APP for the respondent-State.*

Mr. Aayush Shah i/by. Ms. Priyanka Chavan, *Advocate for respondent no.2.*

CORAM : SANDEEP V. MARNE, J.
(Vacation Court)

DATED : 26th May, 2023.

P.C. :

1. This is an application filed by the applicant seeking temporary bail in order to enable him to attend the wedding of his son. The wedding of applicant's son, Prakash is scheduled on 1st June 2023 at 5.20 p.m. at Hadapsar, Pune.

2. The applicant has been convicted under Section 376(ii)(f)(n) of the Indian Penal Code and has been directed to undergo rigorous imprisonment of 10 years with fine of Rs.50,000/-. The Appeal has been admitted. However, by order dated 13th December 2021 this Court rejected the application for suspension of sentence. The applicant is currently lodged in Kolhapur Prison.

3. On 12th May 2023, this Court adjourned the application in order to enable the learned APP to verify as to whether the wedding of applicant's son is indeed scheduled on 1st June 2023. This Court also issued notice to respondent no.2.

4. Today the learned APP confirms the position that the wedding of applicant's son is indeed scheduled on 1st June 2023 as per the invitation card.

5. Mr. Shah, holding for Ms. Priyanka Chavan would submit that Ms. Chavan was appointed by Maharashtra State Legal Services Authority only in Interim Application No. 760/2019 for suspension of sentence and that she does not have instructions to appear in the present Interim Application.

6. In the circumstances aforestated, the applicant cannot be granted bail as prayed for. However it would be appropriate to permit the applicant to attend the wedding of his son with police escort. The learned Counsel for the applicant submits that the applicant is willing to bear costs of police escort. Hence, the following order :

(i) The applicant is permitted to attend the wedding of his son, Prakash on 1st June 2023 at Nauratna Mangal Karyalay, Manjri Road, Near Chaitanya Hotel, S. No.167, Mahadev Nagar, Hadapsar, Pune from 10.00 a.m. to 7.00 p.m. on 1st June 2023 under police escort.

(ii)The applicant shall be escorted back to the Kolhapur Prison from the venue after 7.00 p.m. on 1st June 2023.

(iii)The applicant to deposit the escort charges with the Superintendent of Jail, Kolhapur on/or before 29th May 2023.

7. Interim Application is accordingly disposed of.

**NEETA
SHAILESH
SAWANT**

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2023.05.26
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(SANDEEP V. MARNE, J.)