

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

CRIMINAL APPEAL NO. 413 OF 2024

Sagar Tatyaram Gorkhe
v/s.

.. Appellant

National Investigation Agency
And Anr

.. Respondents

Mr. Mihir Desai Senior Advocate a/w. Ms. Pritha Paul i/b. Ms. Deepa Harshad Punjani and Mr. Sunit Surendra Gadling for the Appellant.
Mr. Sandesh Patil a/w. Mr.Chintan Shah for the Respondent No.1-NIA.
Mr. J.P.Yagnik, APP for the Respondent No.2-State.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 24th APRIL, 2024.**

P.C. :

1) By the present Appeal the Appellant has impugned Order dated 10th April 2024, passed below Exhibit-1069 in Special Case No. 414/2020, rejecting his application for grant of temporary bail from 19th April 2024 till 9th May 2024 for attending the wedding ceremony of his real brother and related religious functions.

2) Heard Mr. Mihir Desai learned Senior Advocate for Appellant, Mr. Sandesh Patil learned Advocate for Respondent No.1-NIA and Mr. J.P. Yagnik learned APP for the Respondent No.2 -State.

3) It is not in dispute that, the marriage of brother of Appellant viz. Mayur (Roshan) is scheduled for solemnisation on 2nd May 2024 at the

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Playground, PMC Colony No.10, Bhavani Peth, Pune. The main religious ceremonies of the said marriage would begin on 1st May 2024 and the marriage will be solemnised on 2nd May 2024.

4) Mr. Patil learned Advocate for Respondent No.1 on instructions opposed the application and submitted that, the plea of Appellant of granting him temporary bail of 20 days is unacceptable. That, there are many other relatives who would attend the marriage ceremony, therefore the presence of Appellant there is not necessary. He however fairly submitted that, necessary Orders in the interest of justice may be passed.

5) Record indicates that, by an Order dated 28th April 2023, passed below Exhibit 984, the Special Court had permitted the Appellant to appear for C.E.T. - Law Entrance Examination conducted by State of Maharashtra on 2nd May 2023. The Appellant was directed to be taken to the examination hall as per the directions issued by the Order dated 28th April 2023. Clause No.7 of the said Order mentions that, the Appellant be given waiver of escort charges. The said clause reads thus:

“7. The applicant shall be given waiver for the escort charges.”

5.1) That, by an Order passed below Exhibit 1062 dated 6th March 2024, the trial Court had permitted the Appellant to attend for CET - Law Entrance Examination at Karjat, District Raigad by imposing certain conditions. Condition No.6 therein was that, the Appellant be given waiver of escort charges.

5.2) There is no record that, the Appellant misused the said liberty granted to him by the trial Court by its Order dated 28th April 2023 and he was taken back to Jail authorities within stipulated period.

6) As noted earlier, the Appellant intends to attend marriage ceremony of his brother which is scheduled on 2nd May 2024. In view of the facts recorded above, we are inclined to accede to his request.

6.1) Hence, following order:

- 1) Applicant is granted temporary bail from 9.00a.m. of 1st May 2024 till 6.00p.m. of 4th May 2024 (both days inclusive)
- 2) Applicant be released on temporary bail on the aforementioned days on execution of PR Bond in the sum of Rs.25,000/-. The Applicant shall also deposit the amount of Rs.25,000/- as cash security with the Superintendent of Taloja Central Prison.
- 3) The Applicant be released from jail on or before 9.00a.m. of 1st May 2024.
- 4) The Applicant shall report back to jail Authority on or before 6.00p.m. of 4th May 2024.
- 5) The Commissioner of Police Navi Mumbai, shall provide necessary escort for the same. As the Appellant is attending marriage ceremony, we direct that, the escort party shall be in civil dress.

- 6) The Applicant shall be given waiver of escort charges by the State.
- 7) Applicant shall not misuse the permission granted by this Order, i.e. shall not indulge into tampering with evidence of prosecution and/or pressurise prosecution witnesses, while on temporary bail.
- 8) If the Applicant reports back to the jail authorities within stipulated period as noted above, the Superintendent Taloja Central Prison is directed to refund the said cash security to him or to the person who deposits the said amount within a period of three working days therefrom.
- 9) In view of the above, impugned Order dated 10th April 2024, passed below Exhibit 1069 is set aside.
- 10) Appeal is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)