



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2914 OF 2023

Vijay Jagannath Posa

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Anita A. Agarwal a/w. Ms. Ashwini B. Jadhav, Advocates, for
the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 22nd MARCH 2024

PC:-

1. Heard Ms. Agarwal, learned Counsel for the Applicant and
Ms. Shinde, learned APP for the Respondent-State.

2. At the outset, Ms. Shinde, learned APP states that the trial is
at the stage of recording statement under Section 313 of the CrPC.,
and therefore, the trial will be concluded within two months.

3. The offence is under Section 392 and 411 read with 34 of
the *Indian Penal Code, 1860* and under Sections 3(1)(ii), 3(2),
3(4), 3(5) of the *Maharashtra Control of Organized Crime Act,*
1999 ("M.C.O.C. Act").

4. As the trial is at the fag end, Ms. Agarwal, learned Counsel for the Applicant on instructions, states that she is not pressing the Bail Application on merit. However, she states that the mother of the Applicant passed away on 14th March 2024 and therefore, she prays that the Applicant be granted temporary bail to attend the last rites of his mother.

5. Ms. Shinde, learned APP on instructions states that the mother of the Applicant has passed away on 14th March 2024. However, she strongly opposes grant of temporary bail to the Applicant. She submitted that the offence is very serious and the provisions of M.C.O.C. Act are also invoked. She submitted that the Applicant can be allowed to attend the last rites with escort and tendered a chart containing charges. As per the said chart, the escort charges are Rs.26,856/- for every 8 hours.

6. Ms. Agarwal, learned Counsel for the Applicant states that the Applicant is a very poor person and he cannot afford the said escort charges. She stated that the Applicant be granted temporary bail up to 28th March 2024 for attending the last rites of his mother. She stated that the Applicant will reside with his family at

Sarode Colony, Mundhwa, Pune 411 036 and he will attend the Mundhwa Police Station, Pune.

7. Accordingly, the Applicant can be enlarged on temporary bail by imposing stringent conditions.

8. In view thereof, the following order:-

ORDER

(1) The Bail Application is allowed to be withdrawn on merits and disposed of as such.

(2) The Applicant is granted temporary bail to attend the last rites of his mother on the following conditions:-

a) The Applicant -Vijay Jagannath Posa be released on temporary bail in connection with C.R. No.534 of 2022 registered with the Vijapur Naka Police Station, District – Solapur on his furnishing Cash Bail of Rs.10,000/- for a period of up to 28th March 2024.

b) The Applicant shall report to the Mundhwa Police

Station, District - Pune on 25th March 2024 and 27th March 2024 between 4:00 p.m. and 6:00 p.m.

c) The Applicant shall surrender before the jail authorities on or before 5:00 p.m. on 28th March 2024.

9. The Bail Application is disposed of in above terms.

10. Stand over to 1st April 2024 for reporting compliance of this order.

[MADHAV J. JAMDAR, J.]