

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1958 OF 2024
IN
BAIL APPLICATION NO.270 OF 2023

Sardar Uttam Patil	...Applicant
vs.	
The State of Maharashtra	...Respondent

Ms. Swarali Joglekar i/b. Mr. Jayant Bardeskar, for the Applicant.
Mr. Avadhut Chimalkar, Spl.PP. a/w. Ms. Aishwarya Sharma, Ms.
Drishti Gala, for Respondent-CBI.
Ms. Gauri Rao, APP for the State.

CORAM : N. J. JAMADAR, J.
DATE : MAY 10, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The applicant/accused No. 6 is arraigned in C.R. No. 6 of 2019 registered with ATS-Kalachowki police station for the offences punishable under sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (the NDPS Act, 1985). The applicant has preferred an application for regular bail, being Bail Application No. 270 of 2023. The applicant has preferred this application for temporary bail for a period of two weeks on the ground that the father of the applicant was critically ill.
3. On 6th May, 2024 when the application was listed before the Court, the Court was informed that the father of the applicant has passed away and the applicant now restricts the prayer for bail to

participate in the rites and rituals to be performed during the period 13th to 16th May, 2024.

4. Mr. Chimalkar, the learned Special PP, submitted that the Sessions Court had, in fact, permitted the applicant to attend the funeral of his father, under police escort. However, the applicant had not availed the said facility.

5. Ms. Joglekar, learned counsel for the applicant, submitted that the escort charges were computed at Rs. 90,000/- per day and it was not possible for the applicant to bear such huge escort charges and, therefore, the applicant did not avail the facility extended by the Court of Session. In the wake of the aforesaid statement, the learned APP was directed to take instructions regarding probable escort charges.

6. The learned APP on instructions submits that the escort charges were computed at Rs. 92,826/- per day in accordance with the norms.

7. The learned counsel for the applicant submitted that the applicant is not at all in a position to bear such huge escort charges.

8. Evidently, the applicant had not availed the liberty to attend the funeral of his father as he could not afford such huge escort charges. The prayer of the applicant for permitting him to attend the last rites and rituals of his father appears justifiable. It is true

the allegations against the applicant are grave. However, the prayer, in the instant application, deserves humane consideration.

9. I am, therefore, inclined to allow the applicant to visit his house at Shene, Post- Kasegaon, Tal. Valva, Dist. Sangli under police escort to attend the rites and rituals in connection with the death of his father, during the period 13th May, 2024 to 16th May, 2024.

10. The escort charges of Rs. 92,826/- per day are high by any standard. The police establishment may have justification to compute the escort charges at such high rate. However, the capacity of the applicant to pay such steep escort charges also deserves to be considered.

11. In the totality of the circumstances, in my view, the escort charges of Rs. 10,000/- (Ten Thousand) per day for a period of four days (total Rs. 40,000/-) would be reasonable, having regard to the situation in life of the applicant, who has been incarcerated for almost five years.

Hence, the following order.

ORDER

1] The Interim Application stands allowed.

2] The applicant is permitted to visit his home at Shene, Post-Kasegaon, Tal. Valva, Dist. Sangli and participate in the last rites and rituals of his father for the period of 13th May, 2024 to 16th May,

2024, under police escort.

3] The applicant shall bear the expenses of escort at the rate of Rs.10,000/- per day (Total Rs.40,000/-).

4] The State shall make requisite arrangement to take the applicant to his house during the said period of 13th May, 2024 to 16th May, 2024, under necessary police escort.

5] All concerned to act on an authenticated copy of this order.

Interim Application disposed.

(N. J. JAMADAR, J.)