

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

**INTERIM APPLICATION NO. 2356 OF 2024
IN
INTERIM APPLICATION NO. 269 OF 2024
IN
CRIMINAL APPEAL NO. 458 OF 2021**

Kalpesh Haresh Tailor ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. K. H. Holambe Patil for Applicant.

Mr. Shrikant H. Yadav, APP for State/Respondent.

Mr. Sushan Mhatre (appointed advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 27 JUNE 2024**

PC :

1. The applicant was convicted by the District Judge-7 and Special Judge (POCSO) Act, Thane, vide the Judgment and order dated 30.01.2021 passed in Special Case (POCSO) No.6 of 2018. The maximum sentence was 10 years. The applicant's appeal is pending before this Court. In the meantime, this Court (Coram: Kishore C. Sant, J.) vide the order dated 04.03.2024 was pleased

to grant bail to him on the condition of furnishing P.R. bond of Rs.15000/- with one or more solvent sureties in the like amount. There were other conditions mentioned in that order.

2. Now, the present applicant is sent through jail by the applicant mentioning that, even after the bail order was passed by this Court on 04.03.2024, he could not arrange the sureties because of his poverty and because of his estranged relations with the relatives. Therefore, relying on the Judgment of the Hon'ble Supreme Court in SMWP (Criminal) No.4 of 2021 reported in 2023 SCC OnLine SC 483 he has prayed for temporary bail on personal bond for 30 days.

3. I have considered this situation. The Hon'ble Supreme Court in the said Judgment, in Clause (5) in paragraph-10 has observed thus:

“In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specific period to the accused so that he can furnish bail bond or sureties.”

4. Taking into account that, in spite of bail order in his

favour, he could not avail it for a period of more than 50 days and in view of the directions of the Hon'ble Supreme Court, I am inclined to allow this application.

5. Hence, the following order:

O R D E R

- i) The Applicant is directed to be released on temporary bail for a period of 30 days on his executing P. R. bond in the sum of Rs.15000/-.
- ii) This order shall operate for a period of 30 days from his actual release on bail from the prison.
- iii) During the period of 30 days, the applicant shall furnish sureties as directed by the previous order. On his failure to furnish such sureties, he shall surrender before the jail authorities after a period of 30 days from his release.
- iv) The rest of the conditions mentioned in the order dated 04.03.2024 shall remain unchanged.
- v) In addition, the applicant shall report to the concerned police station once in a week during that period of 30 days.
- vi) The application is disposed of.

(SARANG V. KOTWAL, J.)