



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 403/2024
IN CRIMINAL APPEAL NO. 216/2024

Dilip S/o. Rambhau Khapekar Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. D. Dhande, Advocate for Applicant.
Ms. T. H. Udeshi, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 22/04/2024.

. The applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life along with fine vide judgment and order dated 25.01.2024. Being aggrieved, the applicant has filed the appeal wherein he sought suspension of sentence, which is pending. In the meantime, by moving this application, the applicant seeks temporary bail for four weeks for the reason that his daughter is about to marry on 26.04.2024 at Nagpur. In support, he has produced marriage invitation card.

2. The learned Additional Public Prosecutor has submit that for the same reason a provision has been made for grant of special parole in terms of Rule 19(2) for the Prison Rules. It is submitted that the said Rules provide that for the purpose of marriage, a special parole for four days can be granted with the provisions to extend the parole for total eight days. In the light, it has been submitted that instead of applying for special parole, the applicant has moved temporary bail for four weeks. The learned A.P.P. with all fairness gave no objection to grant

temporary bail for a short period, perhaps for the period of eight days, which is the provisions made under the Prison Rules.

3. Though the learned Counsel for the applicant has urged for grant of four weeks temporary bail, however, we find no justification since the marriage can be attended rather with all ceremonies within eight days.

4. We may recall that during trial, applicant was in jail and still his suspension application is awaiting for adjudication on merits. Only considering the reason of daughter's marriage, we are inclined to grant temporary bail for eight days, which is in fact the provisions under the Rules. We are not directing the applicant to move for special parole only because the period is very short and thus, we allow the application in the following terms :

5. The application is partly allowed.

6. The applicant be released on temporary bail for eight days on his furnishing P.R.Bond of Rs.25,000/- (Rs. Twenty Five Thousand Only) with one or two sureties in the like amount.

7. We make it clear that if the applicant would not surrender on due date, that will be considered while dealing with his application for suspension.

8. The application stands disposed of in the above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)