



THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.1177 OF 2024
IN
CRIMINAL APPEAL NO.257 OF 2022

[Vikesh @ Vikki Dnyaneshwar Nagrale ..Vs.. State of
Maharashtra]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
Judge's order
and Registrar's orders.*

Court's or

Ms P. S. Kosare, Advocate for Applicant.
Mr M. K. Pathan, APP for Non-Applicant/State.

CORAM : **SMT. M. S. JAWALKAR AND**
M. W. CHANDWANI, JJ.

DATE : **5th DECEMBER, 2024.**

1. Heard.
2. The applicant is undergoing sentence of imprisonment for life upon conviction by the learned Additional Sessions Judge, Hinganghat in Sessions Case No.10 of 2020. The appeal as well as application for suspension of sentence are pending before this Court.
3. Today, the application for grant of interim bail has been moved by the applicant on the ground to attend the funeral of his father who passed away today, and therefore, he seeks ad-interim bail pending the application for suspension of sentence.
4. Having heard learned counsel for the applicant as well as learned Additional Public Prosecutor for non-applicant/State, on enquiry with the learned APP, he submits that the Police of Wadner has informed him that the Police Patil of Village Daroda has informed that he

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confirmed the death of the applicant's father. The application for ad-interim bail, a reply and time are required for the State to argue the matter, therefore, on the request of counsel for the applicant, we deem it appropriate to consider this application as a permission to attend the funeral under Police Squad.

5. The learned APP further submitted that there are the provisions under Bombay Furlough and Parole, Rules, 1959 that under Rule 19, there are fifteen days parole is permitted. The learned APP submitted that these powers were earlier with the Superintendent of Jail, however, by Notification dated 02.12.2024, the powers have been delegated to DIG, Prisoners, therefore, in wake of an alternate remedy to the applicant, he cannot be permitted to attend the funeral.

6. On further enquiry, the learned APP submitted that for getting parole on the ground of death, the enquiry is required to be conducted from the concerned Police Station and also sureties alongwith death certificate are required for release of prisoner. We are of the opinion that this process will take time of one or two days. The learned counsel for the applicant submits that the funeral of his father will be performed today and he is the lone son of his father, therefore, he be permitted to attend his father's funeral. We find substance in her argument and we proceed to pass the following order :

(i) The prayer for grant of interim bail is refused.

(ii) The Superintendent of Jail, Central Prison Nagpur is hereby directed to permit the applicant to attend his

father's funeral at village Daroda within the jurisdiction of Police Station Wadner, Tahsil Hinganghat under the custody of Police Squad.

(iii) The Superintendent of Jail, Central Prison Nagpur, is hereby directed to bring back the applicant in Jail after the funeral is over.

7. Since the payment of charge for Police Squad under which, he will be travelling to Daroda will take considerable time. Looking to the situation, this question is left to be decided on the next date of hearing.

8. The learned APP to communicate this order to the Superintendent of Jail, Central Prison Nagpur so the necessary steps can be taken by the Superintendent of Jail.

9. Steno copy permitted.

(M. W. CHANDWANI, J.) (SMT. M. S. JAWALKAR, J.)