



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 520 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 41 OF 2025

1. Manoj s/o Kachrulal Jaiswal,
Age: 38 years, Occ: Rickshaw Driver,
R/o: Bhivdhanora, Tq. Gangapur,
Dist. Aurangabad.
 2. Latabai w/o Kachrulal Jaiswal,
Age: 61 years, Occ: Household,
R/o: Bhivdhanora, Tq. Gangapur,
Dist. Aurangabad.
- ... Applicants

Versus

1. State of Maharashtra,
 2. Nirmalabai w/o Laximanlal Jaiswal,
Age: 65 years, Occ: Household,
R/o: Digdi, Tq. Mahur,
Dist. Nanded.
- ... Respondents

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Mr. S. G. Ladda, Advocate for the Applicant.
Mr. V. M. Chate, APP for Respondent No.1-State.

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CORAM : ABHAY S. WAGHWASE, J.

Date : 10.02.2025

ORDER :

1. Present application is for grant of temporary bail in Revision Application No. 41 of 2025 in which there is challenge to both, order

of trial court recording conviction of revisionist for offence under Section 498-A, 304-B, 306 and 323 r/w 34 of IPC vide judgment and order dated 08.07.2011 as well as the order of first appellate court i.e. Additional Sessions Judge, Aurangabad dated 04.12.2024 in appeal bearing Criminal Appeal No. 178 of 2011 by which order of trial court stood confirmed, resulting into filing revision, but by virtue of conviction, revisionists are still behind bars i.e. in Aurangabad Central Jail.

2. Learned counsel pointed out that son of applicant no.1, namely, Saurabh Jaiswal, aged 15 years, met with an accident and has undergone major surgery at Aman Hospital, Central Naka Road, Jaswantpura, Aurangabad. That, revisionist/present applicant no.1 being father, needs to meet his minor son and he also has responsibility of raising funds for medical expenses. Precisely for above reasons, learned counsel seeks temporary bail to applicant no.1.

3. Learned APP opposed on the ground that there is possibility of misuse of liberty. However, learned APP conceded that if this Court is inclined, then temporary bail be granted to applicant no.1 subject to payment of necessary escort charges.

4. Taking into account above submissions, it does emerge that revisionist/present applicant no.1, who is convicted, is lodged in prison by virtue of order of trial court as well as first appellate court. In support of temporary bail for visit to hospital to see applicant no.1's son who is operated, papers are also placed on record and the same do show that son of revisionist/applicant no.1, namely, Saurabh Jaiswal, aged 15 years, underwent operation on Friday i.e. 07.02.2025 on account of meeting with an accident. Hospital papers are part of annexures. Therefore, applicant no.1 being father, and in view of statement made across the bar that he also has the responsibility of raising finances of ongoing medical treatment, his application for temporary bail deserves to be granted. Hence, I proceed to pass the following order :

ORDER

- I. The application of applicant no.1 Manoj s/o Kachrual Jaiswal for temporary bail is allowed.
- II. The jail authorities to allow convict revisionist (applicant no.1 Manoj s/o Kachrual Jaiswal) to be taken from prison at 09.00 a.m. on 11.02.2025 and to allow him to have a visit at Aman Hospital, Central Naka Road, Jaswantpura, Aurangabad to meet his son Saurabh up till 4.00 p.m. subject to payment of necessary escort charges.

III. Escort party to take applicant from the hospital back to prison and Jail Superintendent to tender report to this Court about his lodgment back in the prison by 5.00 p.m., within a period of three days.

IV. The application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]

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