



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1641 OF 2025
IN
CRIMINAL APPEAL NO. 19 OF 2025

Gautam Shivcharan Chauhan,
Age : 25 years, Occu. : Labour,
R/o. Walmik Nagar, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon.

... Applicant

Versus

1. The State of Maharashtra,
Through its Bazaarpeth P.S.,
Bhusawal, Police Station, Tq. Bhusawal,
Dist. Jalgaon.

2. X.Y.Z.

... Respondents

.....

Mr. Vijay Bhalerao Patil, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent No.1 – State.
Mr. A. S. Bayas, Advocate for Respondent No.2.

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 08 MAY 2025

ORDER :

1. Instant application is for temporary bail to enable applicant attend marriage of his real sister.

2. Learned counsel for applicant pointed out that applicant is convicted by learned Special Judge and Additional Sessions Judge, Bhusawal, Dist. Jalgaon in Special Case Child

Protection No. 15 of 2016 and he is suffering sentence. That, applicant's real sister is getting married on 20.05.2025. That, being real brother, he needs to attend the same. Marriage invitation card along with affidavit is placed on record and hence, temporary bail of 15 days is urged for.

3. Learned APP opposed on the ground that firstly, said application ought to have been filed through jail. Secondly, there is no fix destination on the marriage card and thirdly, period of temporary bail prayed for is exorbitantly excess.

4. Learned counsel for original complainant also raised above points about no proof of applicant to be real brother of bride whose name is appearing on the marriage card and similarly no exact venue of marriage is reflected in the said invitation card. They both apprehend misuse of liberty.

5. Heard. Papers show that on account of conviction recorded by Additional Sessions Judge, Bhusawal, District Jalgaon in Special Case Child Protection No.15 of 2016, applicant is suffering sentence. He has applied for suspension of sentence and grant of bail also. Said application is pending. Now, present application is for temporary bail on account of proposed marriage

of applicant's sister. Copy of marriage card is annexed at Exh. 'A' along with affidavit. On comparing name of the father of the bride reflecting thereupon and considering the affidavit placed on record on oath, there are reasons to hold that applicant is brother of bride. Learned APP has also placed on record letter received from Bhusawal Bazarpeth Police Station verifying that bride is sister of applicant. On the foot of the marriage card venue of proposed marriage is also printed. It appears that, marriage ceremony commences from 16.05.2025 to 20.05.2025. Learned counsel for applicant has undertaken to not to misuse liberty, being brother he needs to be present for the marriage of his sister.

Considering the nature of ceremony and applicant being brother, application for temporary bail deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

- I. The application of temporary bail is allowed.
- II. Applicant Gautam Shivcharan Chauhan i.e. convict in Special Case Child Protection No. 15 of 2016 by judgment and order dated 08.11.2024 passed by learned Additional Sessions Judge, Bhusawal, be released on temporary bail from 15.05.2025 to 20.05.2025, on executing Personal Bond of Rs.15,000/- with one surety in the like amount, on the following conditions :

[a] During the period of his release on temporary bail, the applicant shall report the nearest police station daily in the evening between 7.00 p.m. to 9.00 p.m. and shall maintain diary of his such visits.

[b] Applicant shall surrender himself to the jail authorities around 12:00 noon on 21.05.2025.

[c] Applicant shall not make contact with informant or his family members and shall not misuse liberty during above period in any manner, which would be prejudicial to the interest of informant and his family.

[d] Applicant shall not travel beyond the place of marriage for any other purpose.

(ABHAY S. WAGHWASE, J.)