

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1453 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 3485 OF 2023

Rajesh Shamlal Salunke Applicant

Versus

The State of Maharashtra Respondent

Mr. Rushikesh Kale, Advocate for the Applicant.

Ms. Sangeeta D. Shinde, APP, for the Respondent – State.

Mr. Mohan Rao, Advocate for the Intervenor.

Mr. J. D. Bhosale, PSI, Crime Branch, Pune City – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th APRIL, 2025.

P.C. :

1. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor.

2. Learned counsel for the Applicant submits that the Applicant's brother has passed away, and the 13th-day rites will take place on 19th April 2025. The Applicant is the only male member in his family, hence requested for temporary bail to perform the customary rites of his deceased brother.

3. Learned APP strongly objected to allow the application on the ground that the Applicant has filed temporary bail application before the trial Court which is pending. In spite of pendency of that application, the Applicant has preferred this application before this Court. Learned APP further submitted that offences under Sections 302, 120(b), 201, 212 read with Section 34 of the Indian Penal Code, 1860 (for short "IPC"), Sections 3(25) of the Arms Act, Section 37(1)(3) and 135 of Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short "MCOCA Act") are levelled against the Applicant, if the Applicant is released on bail, he may abscond. Hence, requested to reject the application.

4. Learned counsel for the Intervenor strongly objected to allow the application.

5. I have heard all learned counsel.

6. Learned counsel for the Applicant, on instructions, submits that he will not press the application for temporary bail filed before the Sessions Court. His statement is accepted.

7. The Applicant's brother has passed away, and the Applicant is the only male member of their family. He wishes to

perform the customary rites of his brother. Considering this facts, I pass following order:-

ORDER

- i. Application is allowed.
 - ii. Temporary bail for two days i.e. 19th April and 20th April is granted to the Applicant to perform the customary rites.
 - iii. As per rule guard be provided to the Applicant for two day's. The Applicant shall pay the expenses of it.
 - iv. The Applicant shall surrender before the Jail Authority on 20th April 2025, on or before 5:00 p.m.
 - v. The Applicant shall not seek further extension of temporary bail.
8. In view of the aforesaid terms and conditions, the application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)