

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4125 OF 2025

IN

CRIMINAL APPEAL NO. 139 OF 2023

Digambar Ganpat Potphode

... Applicant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Duresh Rege, Advocate for the Appellant.

Mr. C.D.Mali, APP for the State.

Mr. Madhusudan Pareek, Advocate for Respondent No.2.

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CORAM : R. M. JOSHI, J.

DATED : 20th NOVEMBER, 2025.

P.C. :

1. This application is for temporary bail filed by the the appellant to attend the marriage of his daughter which is scheduled on 25.11.2025.
2. Learned counsel for the applicant on instructions makes statement that the applicant does not wish to seek temporary bail for a period of a month though it is so prayed in the application. He contends that appellant be permitted to attend Haldi ceremony on 24.11.2025 and marriage of his daughter on 25.11.2025, which is scheduled to take place at Atithi Hotel & Lodging, Mumbai Goa Highway, Kolad, Dist. Raigad. On instructions he gives undertaking that the appellant would surrender to

the Jail Authorities on 26.11.2025 at 11:00 a.m.

3. Learned APP as well as learned counsel for respondent No.2 has drawn attention of the Court to the fact that earlier application filed by the appellant /applicant for attending his son's marriage was rejected by order dated 19.11.2024. Learned APP has also placed on record written instructions received from the concerned police station with recording inability to provide the escort.

4. Without going into the merit of the case, in so far as the offence proved against the appellant / applicant, it is pertinent to note that for any father the marriage of his daughter assumes extreme importance in life and any daughter would crave for presence of father in her marriage. Irrespective of the fact that the appellant is convict, his daughter cannot be denied presence of her father in marriage and that he would be entitled to attend the marriage of his daughter unless there are circumstances which are of such a nature that such permission cannot be granted. No such circumstances are pointed out to this Court. The previous application was rejected since at that time counting of votes of Assembly Elections in the State was scheduled on 23.11.2024, the day on which temporary bail was sought, the police escort could not have been provided.

5. In view of above following order :

ORDER

- i. The Applicant / appellant be enlarged on temporary bail from 24.11.2025 to 26.11.2025 to attend marriage of his daughter at Atithi Hotel & Lodging, Mumbai Goa Highway, Kolad, Dist. Raigad.
- ii. The escort charges shall be borne by the appellant.
- iii. The appellant shall surrender himself to the Jail Authorities before evening of 26.11.2025.
- iv. The appellant shall not visit any other place except for his residence and place of marriage mentioned above.
- v. The escorting party to ensure that the appellant does not visit any other place but for his residence and the marriage.
- vi. Any breach of condition shall forthwith result into vacation of this order and that appellant be taken into the custody and be sent to the jail.

(R. M. JOSHI, J.)