



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

CRIMINAL APPLICATION [B.A.] NO. 475 OF 2026

Mohd. Sohail Parvez Mohd. Harun

-- VERSUS --

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Atharva Khadse, Advocate for the Applicant.

Ms. M.H. Deshmukh, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 06, 2026.

Heard.

2. The present application is filed seeking temporary bail in Crime No.872/2023 for the offence punishable under Sections 302, 120-B, 385, 386, 201 read with Section 34 of the Indian Penal Code, 1860, Sections 3/25, 4/25, 5/27 and 29 of the Arms Act, 1959, Section 135 of the Maharashtra Police Act, 1951, Sections 3(1)(i), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999, registered with Police Station Tahsil, District Nagpur.

3. The present application is for grant of temporary bail in order to attend the ritual of Chehlum Dawat. The learned counsel for the applicant submits that, previously, when the father of the applicant died, the learned trial Court was

pleased to grant temporary bail only to the extent of carrying out funeral rites, and on the second occasion, for the ceremony of Fatiha. The learned counsel submits that, as the 40th day of death is an important day in muslim community, therefore, the applicant be released on temporary bail for one day in order to perform the said rituals. He has annexed, at Page 29, the invitation card in that regard.

4. On the other hand, the learned A.P.P. vehemently opposes the application and submits that serious crimes have been committed by the applicant. She further submits that provisions of MCOCA are invoked. The applicant is involved in other serious crimes also, and therefore, considering the seriousness of the offence, the applicant may not be released even on temporary bail.

5. I have considered the rival submissions. Though, the applicant has prayed to release him on bail for one day, however, he has restricted his prayer only to the extent that he may be released to go to Kabristhan for the purpose of offering prayer on that day under escort. The prayer is reasonable, therefore, I am inclined to grant temporary bail only to the extent of going to Kabristhan and praying therein for one and half hour, i.e., between 01:30 p.m. to 03:00 p.m. on 07/04/2026. Hence, the following order:-

ORDER

(i) The Criminal Application is allowed;

(ii) As per the need, the concerned Jail Authority shall determine how much police personnel would be required and on that basis the charges be quantified and immediately same be communicated to the relatives of the applicant and upon paying such charges only between 01:30 p.m. to 03:00 p.m. on 07/04/2026, i.e., tomorrow, the applicant be taken to Mominpura Kabristhan in police escort and he be again taken back to the jail till 03:30 p.m.;

(iii) The applicant or the relatives of the applicant shall pay the expenses of escort as would be determined by the jail authorities or any other competent authority;

(iv) The application is disposed of accordingly.

[M.M. NERLIKAR, J]