

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.673 OF 2023
IN
CRIMINAL CONFIRMATION CASE NO.1 OF 2021

Sunil Rama Kuchkoravi Applicant
versus Respondent
The State of Maharashtra

Ms.Madhvi Gonathieswaran i/by Dr.Yug Mohit Chaudhry, Advocate
for Applicant-Appellant.
Mr.Ajay Patil, APP, for Respondent-State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 20th February 2023

PC :

1. This is an application for release of applicant on temporary bail for a period 22nd February 2023 till 28th February 2023 on the ground of marriage of his daughter namely Ms.Nandini which is scheduled on 24th February 2023 near Durgamata Temple, Kavla Naka, Kolhapur.
2. Heard Ms.Madhvi Gonathieswaran for Applicant and Mr.Ajay Patil, APP for State.
3. Ms.Gonathieswaran submitted that, marriage of daughter of Applicant namely Ms.Nandini is scheduled on 24th February 2023 at Kolhapur. That, presence of Applicant being father of bride is

necessary to perform religious functions and/or rituals. The venue of the marriage is about 10 kilometers from Kolhapur Central Prison, Kalamba and within the periphery of 1.5 kilometers of Shahupuri Police Station, Kolhapur. It is submitted that, Applicant is in custody since 28th August 2017 and on not a single occasion was released either on bail, parole or furlough leave. It is submitted that, Applicant hails from lower economic strata of society and it will not be possible for him to pay the escort charges if fixed by Competent Authority in that behalf. She therefore prayed that, case of the Applicant may be sympathetically considered and he may be released on temporary bail for a period of one week from 22nd February 2023 to 28th February 2023.

4. It is not in dispute that, presence of Applicant on the date of marriage of his daughter for performing religious ceremonies is necessary. After taking into consideration over all view of the matter, we are inclined to release the Applicant on 23rd, 24th and 25th February 2023 between 9.00 am to 6.00 p.m from jail to attend the marriage and related religious ceremonies. In view of the submissions advanced by learned counsel for Applicant that, Applicant hails from lower economic strata of society, we hereby direct the Competent Authority to waive escort charges of the escort party who would accompany the Applicant at the respective venues

on 23rd, 24th and 25th February 2023 for performing the religious functions.

Hence following order :-

(i) Applicant is released from jail from 9.00 a.m to 6.00 a.m. on 23rd February 2023, 24th February 2023 and 25th February 2023 under Police Escort to attend marriage ceremony of his daughter Ms.Nandini near Durgamata Temple, Kavla Naka, Kolhapur. The Escort Party shall be in civil dress;

(ii) The Competent Authority is directed not to levy any escort charges of the Escort Party who will accompany the applicant at the venue of said religious functions on 23rd February 2023, 24th February 2023 and 25th February 2023;

(iii) The escort party is directed to bring back the applicant before 6.00 p.m on 23rd February 2023, 24th February 2023 and 25th February 2023 to the Jail.

5. Interim Application is allowed in above terms;

6. All concerned to act on an authenticated copy of this order duly authenticated by Registry of High Court.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)