

MHGA130001432023



Sessions Case No.57/2023
State Vs. Surendra

Order below Exh.200

1. Applicant Surendra Pundlik Gadling has filed this application for grant of temporary bail application on the ground that to attend wedding of Miss. Mittal Narendra Gadling which is fixed on 28.12.2023. According to him, Mittal is his niece. She has special bonding with him as he treated her like daughter. The function of marriage will be scheduled at Nagpur and at present applicant is in Taloja jail in another case.
2. It is further submitted that in Spl. Case No.414/2020, Learned Special Judge and Additional Sessions Judge, Mumbai granted him temporary bail as per order dated 07.12.2023. As per that order he is temporarily released on bail from 25.12.2023 till 02.01.2024 on humanitarian ground to attend wedding function of his niece on certain conditions.
3. Hence, he prayed to release him on temporary bail for a period of 15 days in view of wedding of niece Mittal.
4. Learned App. Shri. Kumbhare opposed the application on the ground that offence is serious one. The marriage is not of his real daughter. So, there is no necessity to allow application. Hence, prayed to reject the application.
5. Hence, heard both Learned counsels. On going through the case record, it reveals that accused is in Taloja jail as prosecution

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i.e. Spl. Case No.414/2020 is pending against him and it seems that Special Judge and Additional Judge, Mumbai granted temporary bail as per order passed on 07.12.2023. The release period is specifically mentioned from 25.12.2023 till 02.01.2024. When applicant has mentioned the relation with Mittal as niece then it is not necessary to compel her not as a daughter. Only the cause for asking for temporary bail is material.

6. When in the main case, bail is already granted with conditions then there is no reason to reject this application, else that order become infructious. Under such circumstances, I am inclined to allow application at Exh.200. With this, I proceed to pass the following order.

Order

1. Application at Exh.200 is allowed.
2. Accused Surendra Pundlik Gadling be released on temporary bail for a period of 25.12.2023 till 02.01.2024 on condition to furnish bail worth of Rs.1,00,000/- (One lakh only) with one or two sureties in the like amount and he shall surrender before Jail Superintendent, Taloja on 03.01.2024 without any fail.
3. Applicant shall not commit any crime or act in between the period of temporary bail.

Aheri.
Dt.:16.12.2023

Sd/-
(R.N. Bawankar)
Additional Sessions Judge, Aheri