



Sessions Case No. 57/2023
(Old Sess.Case No.99/2019)
State X Surendra Gadling + 05
MHGA13-000143-2023

ORDER BELOW EXH. 231

(Passed on 02.09.2025)

1. This is an application filed by the accused Surendra Pundalik Gadling seeking temporary bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with Crime No.35 of 2016 of Atapalli police station for offences punishable under sections 307, 341, 342, 435, 323, 504, 506, 141, 148, 149, 120(B) of the Indian Penal Code, 1860 and sections 16, 18, 20, and 23 of the Unlawful Activities (Prevention) Act, 2008 ('UAPA').
2. The regular bail application preferred by the applicant was previously rejected on merits.
3. I have heard Shri Bhushan Rahate, the learned Advocate for the applicant and the learned Public Prosecutor Shri. S. U. Kumbhare for the State.
4. The learned Advocate for the applicant has submitted that the applicant's Sister-in-Law, Smt. Kavita Narendra Gadling, passed away on 9th September 2025, and the applicant wishes to join his family members in performing the last rites and rituals including 13th day of rites. It is

submitted that the deceased and the applicant were living in a joint family. To substantiate the familial relationship, the learned Advocate pointed out that during a previous temporary bail application (for the applicant's niece's marriage), the now-deceased Kavita Gadling had filed an affidavit supporting the applicant's case, which is already on record.

5. The applicant's Advocate further submitted that on two previous occasions, the applicant was granted temporary bail - once on account of his mother's death and another time for his niece's marriage. On both occasions, the applicant dutifully surrendered after the expiry of his temporary bail period, as directed. It is therefore urged that there is no flight risk. The applicant seeks temporary bail for 15 days from 3rd September, 2025 to 19th September, 2025.
6. The learned Public Prosecutor has not opposed the application and has left it to the Court to pass suitable orders in view of the previous temporary bail orders granted to the applicant.
7. After considering the submissions of both sides and the materials on record, I find that the applicant's prayer

deserves consideration on humanitarian grounds. The death of a family member, particularly one with whom the applicant shared a joint family relationship, calls for participation in the last rites and rituals, which hold religious, personal, and emotional significance.

8. I am inclined to follow the observations made by the Hon'ble High Court in CRIMINAL APPEAL NO. 220 OF 2021 while granting temporary bail to a present accused. The Hon'ble High Court observed:

"In the prevailing social construct, the first death anniversary of an immediate family member has an element of religious, personal and emotional significance. Admittedly, the appellant has not been able to participate in any of the rites/rituals in connection with the death of his mother. Viewed through this prism, we do not find the prayer of the appellant unjustifiable."

9. The Hon'ble High Court further noted:

"Having regard to the situation in life of the appellant, as borne out by the record, we do

not find that there is a reasonable ground to believe that the appellant may abscond. Nonetheless, we propose to impose appropriate conditions upon the appellant, an undertrial prisoner, to take care of the possible apprehension of the prosecuting agency. Likewise, charge-sheet has been lodged and the identity of the majority of witnesses is concealed. This takes care of the apprehension of tampering with evidence as well."

10. In the present case, the applicant has demonstrated his trustworthiness by surrendering himself before the Court after the expiry of previous temporary bail periods. This conduct significantly mitigates concerns about his being a flight risk. Furthermore, appropriate conditions can be imposed to address any apprehension of evidence tampering.
11. In light of these considerations, I am of the view that the prayer for temporary bail deserves to be granted on humanitarian grounds, subject to stringent conditions to ensure the applicant's return to custody after performing the last rites and rituals of his sister-in-law.

Hence, in result, I proceed to pass following order :-

ORDER

- 1 The application is allowed.
- 2 The applicant is ordered to be released on temporary bail from 3rd September 2025 to 16th September 2025 (14 days), purely on humanitarian grounds, to attend the last rites/rituals and family condolence gathering of his deceased sister-in-law, on furnishing a PR Bond in the sum of Rs. 1,00,000/- (Rupees One lac only), with one or two sureties in the like amount, to the satisfaction of this Court, subject to the following conditions:

2.1 The applicant shall furnish to the Superintendent of Police and the In-charge Police Inspector of the jurisdictional police station within the limits of which the applicant will stay, the details of his travel from the prison to his place of stay, along with the address at which the applicant

would stay and the contact number on which he will be available during the said period.

- 2.2 The applicant shall intimate the jurisdictional police station the date and time of his arrival immediately after reaching his destination.
- 2.3 The applicant shall mark his presence at the jurisdictional police station on 6th September 2025, 10th September 2025, and 13th September 2025 at 10:00 a.m.
- 2.4 The applicant shall not leave the limits of the district except for the specific purpose of attending the rituals, with prior intimation to the jurisdictional police station.
- 2.5 The applicant shall not tamper with the prosecution evidence in any manner whatsoever and shall not contact any of the prosecution witnesses for any purpose.
- 2.6 The applicant shall surrender his passport, if any, before this Court.

2.7 The applicant shall intimate the jurisdictional police the time of his departure from his place of stay.

2.8 The applicant shall surrender before the Superintendent of Prison, Talaja by 6:00 p.m. on 16th September 2025.

2.9 It is made clear that no prayer for extension of period of bail, beyond 16th September 2025, will be entertained on any count whatsoever.

2.10 All concerned to act on an authenticated copy of this order.

Aheri.

(Prakash R. Kadam)

Date – 02/09/2025. Sessions and Special Judge (UAP Act),

Aheri.

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Special Judge (UAP Act), Aheri.

Name of Jr. Clerk : Shri. D. S. Deshmukh