

**ORDER BELOW APPLICATION (EXHIBIT 9) IN**  
**SESSION CASE NO. 14/2022**  
**(STATE VS. RESHMA)**  
**(PASSED ON 19/09/2022)**  
**Nature of the Application.**

1. This is an application filed by the accused No. 4-Sachin Tukaram Ghodake (for short 'accused') seeking permission that is to say interim bail to attend last rites of his grand-mother-Parvati (for short 'grand-mother').

**Contents in the Application.**

2. The accused has contended that he is under trial prisoner and is in Sangola Prison.

3. His grand-mother died on 18/09/2022. Now, religious rites of his grand-mother are to be performed by him. The accused is her grand-son and is required to remain present to do the last rites of his grand-mother.

4. On these grounds the accused has prayed to grant the application.

**Contents in the Reply of the Additional Public Prosecutor.**

5. The Additional Public Prosecutor (for short 'A.P.P.') has filed reply.

6. The A.P.P. has strongly objected the application. He has contended that the application is not legal and tenable. The accused is involved in serious offence. If the application is granted the accused will abscond.

7. On these grounds the A.P.P. has prayed to reject the application.

**The Arguments.**

8. I have heard Shri. V. S. Bengude, advocate for the accused

and Shri. S. V. Wangikar, A.P.P. for the prosecution, in extenso.

9. They argued in consonance with their contentions in the application and keeping in mind the established principles of Law.

10. In order to avoid repetition it is not necessary to note the arguments.

### **Points and Findings.**

11. Upon hearing the following points arise for my consideration and I record my findings thereon as under for the reasons to follow :-

	<b>Points</b>	<b>Findings</b>
1)	Whether a case has been made out by the accused for granting the relief of interim bail to attend his grand-mother's last rites, as prayed for ?	Yes, Partly.
2)	What order ?	Application granted partly. As per final order.

### **Reasons as to Point Nos. 1 and 2.**

12. Before proceeding to discuss the question of entitlement of the accused for temporary/interim bail for better appreciation, let me refer the ruling namely Sukhwant Singh & Ors. Vs. State of Punjab, (2009) 7 SCC 459, wherein the Hon'ble Supreme Court has observed :-

"However, following the decision of this Court in the case of Kamendra Pratap Singh Vs. State of U.P. & Ors. 2009(4) SCALE, 77, **we reiterate that a Court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail application.** In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person".

13. There cannot be any dispute that the accused is involved in a serious offence.

14. The accused is under trial prisoner.

15. The contents in the application proves positively that the accused's grand-mother died on 18/09/2022. Shri. Bengude, advocate for the accused reiterated the contents in the application at bar. There is no reason to disbelieve that the accused's grand-mother died.

16. The accused is the grand-son of grand-mother and is intending to attend her last rites. According to him there is no other person to do the last rites of his grand-mother. Therefore, it is necessary to grant him permission to remain present for attending the last rites of his grand-mother and the jail authority is required to be directed in that regard.

17. The previous bail application of the accused is rejected on merit holding that he is positively involved in the offence with which he is charged. So, I am of the considered view that there is truth in the fear expressed by the A.P.P. that if interim bail is granted in favour of the accused he will abscond and will create hurdles in the trial. Therefore, stringent conditions are required to be imposed.

18. It is true that there is no provision for granting interim bail to attend the last rites. However, in Hindu custom, the presence of a son or grand-son is necessary for performing last rites. Since the accused is the grand-son of grand-mother, his presence is necessary to do the last rites of his grand-mother. Therefore, I am inclined to grant permission to the accused to attend to perform last rites of his grand-mother.

19. Moreover, it is the obligation/moral obligation of every son/grand-son to perform last rites of his near relative. Admittedly, the

accused is the grand-son and is intending to attend last rites of his grand-mother. I, therefore, deem it necessary and just to release the accused on interim bail by imposing stringent conditions in order to lessen the intensity of the apprehension expressed by the A.P.P. in his argument.

20. To sum up, considering the fact that the last rites is a ritual which is necessary to be performed as per Hindu custom, if the accused is allowed to attend to perform last rites, it will suffice the purpose. If that be so, the contention of the accused that his application deserves to be granted can be accepted, prima-facie. Therefore, in the interest of justice if the accused is allowed to attend his grand-mother's last rites i.e. to say for the period from 20/09/2022 after 7.00 a.m. till 20/09/2022 2.00 p.m., no harm or injustice will be caused to the prosecution and it will not create any hurdle in the investigation/trial. After completion of the last rites the accused is required to be directed to surrender himself before the concerned Prison Authority where he is lodged at present and the concerned Prison Authority is also required to be directed to lodge the accused in the Prison.

21. Considering the above-mentioned facts and circumstances of the case, I am inclined to grant the application seeking interim bail.

22. Accordingly, I answer point No.1 in the affirmative partly and point No. 2 as application granted partly, as per final order.

23. I leave open the contentions of the parties on the merits of the trial.

24. In the result, following order

**ORDER**

1.	The application is granted, partly.
2.	The accused-Sachin Tukaram Ghodake, in Crime Register

No. 1368/2021 registered at Sangola Police Station be released on interim bail from 20/09/2022 after 07.00 a.m. till 20/09/2022 up to 2.00 p.m. on his furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and <b>one solvent surety</b> of Rs. 25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of Jailer, Sangola Sub Jail, Sangola, on the following conditions :-	
(i)	The accused shall make himself available as and when required by the police.
(ii)	The accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
(iii)	The accused shall not tamper with the prosecution evidence by intimidating the witnesses in any manner.
(iv)	The accused shall not indulge in any criminal activity or commission of any crime after being released on bail.
(v)	The accused shall not abscond and furnish his address to the police along with address proof.
(vi)	The accused shall not contact any witness connected with the case.
(vii)	The accused shall surrender before the Jailer, Sangola Sub Jail, Sangola, on 20/09/2022 on or before 2.00 p.m.
3.	The Jailer, Sangola Sub Jail, Sangola, is directed to inform compliance of the order.
4.	The violation of any of the conditions imposed shall amount to forfeiture of personal bond and surety bond.
5.	The concerned police station be informed, accordingly.

(Pronounced in Open Court).

Date : 19/09/2022.

(M.B.Lambe),  
Additional Sessions Judge,  
Pandharpur.

**CERTIFICATE**

I affirm that the contents of this PDF file Order is same word to word as per the original Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni
- (b) Court : M. B. Lambe,  
District Judge – 1 &  
Addl. Sessions Judge, Pandharpur.
- (c) Order signed by P.O. on : 19/09/2022
- (d) Order uploaded on : 21/09/2022