

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4563 OF 2022
IN
CRIMINAL BAIL APPLICATION NO. 3284 OF 2022**

Vipul Bhawarlal Shaha
Versus
The State of Maharashtra

... Applicant

... Respondent

Mr. Santosh Musale for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

**CORAM: M.M.SATHAYE J.
DATE : 28th DECEMBER 2022
(Vacation Court)**

PC. :-

1. This is an application filed by the the Applicant/accused seeking extension of temporary bail granted to him by this Court in Criminal Bail Application No. 3284 of 2022 vide order dated 15th December 2022.

2. It is the case of the Applicant that he needs extension for tending to his ailing mother and also for raising funds for his family as well as for the mother who is hospitalized. The Applicant has placed on record certain medical reports of his mother and ID cards of his daughters, showing they are school going children.

3. Heard learned APP for the Respondent/State. Learned APP opposed this application vehemently, by pointing out that Applicant is charge-sheeted for offence punishable u/s. 302 & 201 r/w 34 of the I.P.C. Initially the Applicant had secured release on temporary bail for a short period of 7 days by giving similar reasons and, accordingly, by order dated 29th November 2022, learned Additional Sessions Judge, Pune had granted temporary bail of 7 days by imposing certain conditions. It is pointed out that one of the condition (d) imposed by the Sessions Judge was that after completion of 7 days of temporary bail, the Applicant shall surrender.

4. Learned APP further pointed out that this order of temporary bail was again extended at the instance of the Applicant and by order dated 7th December 2022, the Additional Sessions Judge, Pune had again granted temporary 7 days bail on condition that the Applicant would comply with the original condition imposed vide order dated 29th November 2022. It is further pointed out that by order dated 13th December 2022, the applicant's second application for extension of temporary bail was rejected by Addl. Sessions Judge,

by considering the ground raised by learned APP that apart from the Applicant, other family members of the Applicant/accused, including brothers are available for taking care of his mother.

5. I have perused the record. Despite all above facts, it is seen that this Court by order dated 15th December 2022, had granted extension of temporary bail till 29th December 2022, i.e. tomorrow.

6. In my view, the Applicant has already taken sufficient extensions. Ld. Counsel for the Applicant states on instructions, that the Applicant is now ready to give an undertaking to this Court, stating that he will surrender himself on 12th January 2023 before 5.00 p.m. and will not apply for further extension. On this Ld. Counsel prays for last extension. Today, the Applicant/accused is not present in Court and learned counsel for the Applicant/accused is making this statement. The statement is accepted, subject to the Applicant himself filing a written undertaking as stated above, on or before 30th December 2022 in this Court.

7. In that view of the matter, following order is passed :

ORDER

(i) The Application is allowed and temporary bail granted to the Applicant, as extended by this Court under Order dt. 15.1.22 in Criminal Bail Application No 3284 of 2022, is extended till 12th January 2023 as last extension, subject to the Applicant himself filing a written undertaking as stated above, on or before 30th December 2022.

(ii) It is made clear that if the Applicant failed to file an undertaking as stated above, within above stipulated time, the present Application will stand rejected, without further reference to the Court.

(iii) Interim Application is disposed off in above terms.

[M.M.SATHAYE,J.]