

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1429 OF 2016
IN
CRIMINAL BAIL APPLICATION NO.487 OF 2009
IN
CRIMINAL APPEAL NO.1020 OF 2008

Yogesh Ishwar Pai	...	Applicant
Vs.		
State of Maharashtra		
Through D.B. Marg Police Station	...	Respondent

Mr. N.S. Mundargi for the Applicant.

Mrs. M.M. Deshmukh, A.P.P., for the Respondent-State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 2ND FEBRUARY 2017.

P.C. :

1. Heard.

2. The Applicant and his wife came to be convicted for the offence punishable under Section 302 of IPC and sentenced to suffer life imprisonment in Sessions Case No.210 of 2007 by the Sessions Court at Sewree. Applicant and his wife have filed separate appeals. By the order dated 26th August 2009 passed in Criminal Application No.487 of 2009, the Applicant was released on bail, during pendency of the appeal, on the condition that he

will report to the D.B. Marg Police Station once in a week, preferably on every Saturday or Sunday. The present Criminal Application is filed for relaxation of this condition to attend the Police Station every week.

3. Mr. Mundargi, learned counsel for the Applicant, submits that, since 2009, the Applicant is reporting to the D.B. Marg Police Station every week. This statement is not disputed by Mrs. Deshmukh, learned A.P.P. for the Respondent-State. Mr. Mundargi also states that the main accused in the said Sessions Case was his wife. While granting bail to her, similar conditions, as were imposed on the Applicant, were imposed on her.

4. It is further stated that, by order dated 5th April 2011, passed in Criminal Application No.418 of 2011, condition to attend D.B. Marg Police Station, during pendency of the appeal, imposed on the Applicant-wife while granting bail has been relaxed and she was directed to attend the D.B. Marg Police Station once in three months i.e. on first Saturday of the month in the quarter between 10:00 am to 11:00 am. This fact is also not disputed by learned A.P.P.

5. In the above circumstances, on the ground of parity and, especially, since the Applicant has complied with the condition imposed on him while releasing him on bail, we allow this Criminal Application.

6. The condition imposed on the Applicant by order dated 26th August 2009 passed in Criminal Application No.487 of 2009 is modified to the extent that, as a condition for bail, the Applicant is directed to attend the D.B. Marg Police Station once in three months i.e. on first Saturday of the month in the quarter between 10:00 am to 11:00 am.

7. Criminal Application stands disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]