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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION No. 202 OF 2019
IN
CRIMINAL APPEAL No. 468 OF 2018

Pandit Shivling Kamane and Anr.	...Applicants
Vs.	
The State of Maharashtra	...Respondent

Mr. Ritesh Thobdee for Applicants
Mr. S.S. Pednekar -APP

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : MARCH 5, 2019

P.C.:

1. The Applicants are seeking modification of the order dated 19.4.2018 passed by this Court, granting bail to the Applicants under section 389 of Cr.P.C. This Court [A.S. Gadkari, J.] had directed as follows:

“(b) During the pendency of the Appeal, the Applicants shall attend and mark their presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said first Monday is a Court holiday/Public holiday, the Applicants shall mark their presence on the immediate next day.”

2. The learned counsel for the Applicant submits that Applicant No.1 happens to be a senior citizen, 70 years' old and Applicant No.2, aged 50 years, is the wife of Applicant No.1. It is submitted

that they have no source of livelihood as they are working as labours. Hence, it is submitted that the condition No. 4(b) imposed by an order dated 19th April, 2018 may be modified/relaxed.

4. Clause (b) of the order dated 19th April, 2018 is hereby modified as follows:

“During the pendency of the appeal, the Applicants shall mark their presence before the Sessions Court once in six months on the date assigned by the Learned Sessions Court. Upon failure to attend any two consecutive dates, the Sessions Court shall make report to the High Court and the prosecution would be at liberty to file an application for cancellation of bail.”

Application stands disposed of accordingly.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam