

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

**CRIMINAL APPLICATION NO. 618 OF 2019
IN
CRIMINAL APPLICATION NO. 488 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 1027 OF 2019**

Abdul Wahab Wajid Ali Khan ... **Applicant**
V/s.
The State of Maharashtra & Anr. ... **Respondents**

**WITH
CRIMINAL APPLICATION NO. 619 OF 2019
IN
CRIMINAL APPLICATION NO. 486 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 1028 OF 2019**

Abdul Wahab Wajid Ali Khan ... **Applicant**
V/s.
The State of Maharashtra & Anr. ... **Respondents**

Ms.V.V. Thorat for Applicant in APPP/618/2019 and APPP/619/2019.
Mr.Aditya Lasaria i/b. Mr.Nitin Pradhan and Mr.S.D. Khot for applicant
in BA/1027/2019 and BA/1028/2019.
Ms.Rutuja Ambekar, A.P.P. for Respondent-State.
Mr.V.R.Kuril, P.I., Oshiwara Police Station, Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 26th April 2019.

P.C. :

1] These are applications preferred by the first informant for modification of order dated 2nd April 2019 passed by this Court in Bail Application Nos.1027 of 2019 and 1028 of 2019.

2] The learned counsel for the applicants submitted that, at the time of hearing of the said bail applications of the respondents (accused), she had submitted that, the respondents are habitual offenders and had expressed her apprehension that, if they are released on bail, they may not spare the life of the informant.

3] It is submitted that, this Court in para Nos.6 of the said order, has accepted the contention of the applicants and a specific reference to that effect has been made. She submitted that, at that time this Court had expressed its view that, the respondents (accused) will be directed, not to enter into the jurisdiction of Oshiwara Police Station till conclusion of the trial; however, according to her, inadvertently, the said condition has remained to be imposed while granting bail to the respondents.

4] The learned counsel for the respondents vehemently opposed these applications.

5] A perusal of order dated 2nd April 2019 would indicate that, there is substance in the contention of the learned counsel for the applicant, as in para Nos.5 and 6 of the said order, the contention of the learned counsel for the applicants and the view expressed by this Court thereof has been recorded.

6] In view thereof, the order dated 2nd April 2019 is, accordingly, modified and an additional condition that, the respondents/accused in Bail Application Nos.1027 of 2019 and 1028 of 2019 shall not enter into the jurisdiction of Oshiwara Police Station till the conclusion of the trial is added.

7] Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]