

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

**CRIMINAL APPLICATION NO. 1289 of 2019
IN
CRIMINAL APPEAL NO.503 of 2018**

Manu @ Babu Bhikha Patel	...	Applicant
v/s.		
The State of Maharashtra & anr.	...	Respondents

Mr. S.V.Marwadi i/b. Trupti Khamkar for the applicant.
Mr. H.S. Venegaonkar for Union Territory of Daman & Diu.

CORAM : DAMA SESHADRI NAIDU, J.

19th August 2019.

P.C.

When the applicant applied for suspension of sentence and was released on bail, this Court through its order dated 26th April 2018 (Coram: A.S.Gadkari, J) allowed that application subject to certain conditions. One of the conditions reads:

“(d)During the pendency of appeal, the applicants shall 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 Court holiday/public holiday the applicants shall mark their presence on immediate next day.”

2. Later, the applicant filed another application, that is Criminal Application No.1792/2018, for modification of the conditions in the order dated 26th April 2018.

3. This Court (Coram: Smt. Revati Mohite Dere, J), through order dated 19th March 2019, modified the conditions. The operative part of that order reads:

“6. Accordingly, the Application is allowed and the condition imposed by this Court vide order dated 26.04.2018 i.e. Clause (d) – directing him to mark his presence before the trial Court on every first Monday of the month between 11.00 a.m. and 2.00 p.m., is modified to the extent that the Applicant shall now mark his presence before the trial Court once every four months i.e. on the first Monday of the 1st month. The Applicant shall also keep the trial Court informed about his current address and mobile number and if there is any change in the same. Undertaking to that effect be filed by the Applicant in the trial Court within two weeks from today.”

4. Now the applicant has come up with this application. The applicant's counsel pleads that the applicant is leaving the country for four months—that is, from September to December 2019. During that period, he cannot comply with the modified condition in the order dated 19th March 2019. So he wants the suspension of the condition that he should appear before the trial Court on the dates as was directed in the order dated 19th March 2019. He wants this relaxation for four months—until he returns to the country.

5. Heard Shri Marwadi, the learned counsel for the applicant,

and Shri Venegaonkar, the learned counsel for the respondent no.2- Union Territory of Dadra Nagar Haveli & Daman.

6. As there is no specific objection to the applicant's traveling abroad, I reckon the applicant's request is fair and needs to be considered. I accordingly suspend the condition as imposed in paragraph-6 of the order dated 19th March 2019 until 1st January 2020. Later the condition revives and the applicant shall comply with it, as was done until now.

Needless to observe that the applicant will supply his travel itinerary to the police authorities concerned of the Union Territory of Daman & Diu, before he leaves the country.

(DAMA SESHADRI NAIDU, J)

L.S. Panjwani, P.S.