

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

**CRIMINAL APPLICATION NO. 1792 OF 2018
IN
CRIMINAL APPEAL NO. 503 OF 2018**

Manu alias Babu Bhika Patel .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. S. V. Marwadi i/b. Ms T. M. Khamkar, Advocate, for the
Applicant

Mr. H. S. Venegaonkar, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.03.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks modification of the order dated 26.04.2018 passed by this Court (Coram : A. S. Gadkari, J.) in Cri. Application No. 702 of 2018 in Cri. Appeal No. 503 of 2018, whilst enlarging the Applicant on bail. The condition of which modification is sought reads thus :-

“(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.”

3. The Applicant's Appeal has been admitted on 26.04.2018 and the Applicant's sentence was suspended and he was enlarged on bail on the same date i. e. 26.04.2018, pending the hearing and final disposal of his Appeal. Learned counsel for the Applicant states that the Applicant intends to travel to United Kingdom for four months. He states that because of the condition, requiring him to attend the Court every month, the Applicant is unable to travel to the United Kingdom. He submits that the Applicant has been diligently marking his presence before the trial Court on the 1st Monday of the month between 11.00 a. m. and 2. 00 p. m., since May, 2018.

4. Learned counsel appearing for the Respondent No. 2 does not dispute the fact that the Applicant has been reporting as

directed by this Court vide order dated 26.04.2018.

5. The Applicant has been convicted for the offence punishable under Section 325 of the Indian Penal Code and is sentenced to suffer R. I. for three years and to pay a fine of Rs. 1,500/-, in default to further undergo R. I. for three months vide Judgment and Order dated 21.03.2018. The Applicant has already deposited the fine amount. The Applicant has been marking his presence before the trial Court on every 1st Monday of the month between 11.00 a. m. and 2.00 p. m. as directed by this Court vide order dated 26.04.2018. The Applicant is required to travel abroad. It is not in dispute that there is no restriction on the Applicant to travel abroad.

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.

7. The Application is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)