

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

**INTERIM APPLICATION NO.421 OF 2021
IN
CRIMINAL BAIL APPLICATION NO.3182 OF 2019**

Nilesh Dashrath Waghmare Applicant
Versus
The State of Maharashtra Respondent

Mr. Gaurav Parkar, Advocate for the Applicant.
Mr. Ganesh Patil, Advocate for the Intervenor.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 05th MAY, 2021
[Through Video Conferencing]**

P.C. :

1. This is an application for modification of the order dated 14.2.2020 passed in Bail Application No.3182/2019. By that order, this Court (Coram: Prakash D. Naik, J.) had granted bail to the present Applicant with certain conditions.

Three main conditions are as follows :

- “iii) The Applicant shall report concerned police station a month on first Saturday of the month between 11:00 am to 01:00 pm;
- iv) Applicant shall stay out of the jurisdiction of Alibaug Police Station, District-Raigad, till further orders;
- v) Applicant shall furnish details of his place of

residence to the investigating officer after he is released on bail;”

2. Now this Application is moved for modification / deletion of aforementioned condition No.(iv).

3. Heard Shri Gaurav Parkar, learned Counsel for the Applicant, Shri Ganesh Patil, learned Counsel for the Intervenor and Ms. Pallavi Dabholkar, learned APP for the State.

4. Since the learned Counsel for the intervenor was heard when the order dated 14.2.2020 was passed, even today I have heard learned Counsel for the intervenor.

5. Learned Counsel for the Applicant submitted that the order was passed in February, 2020 and since then the Applicant has scrupulously followed this condition. There are no fresh offences registered against the present Applicant. The Applicant's parents and younger brother are residing within the jurisdiction of Alibaug police station and, therefore, in these difficult times of pandemic, his presence for helping them is necessary. The Applicant's younger brother is

unemployed and is, therefore, unable to look after their parents. The investigation is already over.

6. Learned Counsel for the intervenor as well as learned A.P.P. opposed this application and submitted that it is a serious offence and, therefore, this condition should not be modified.

7. I have considered these submissions. The Applicant has stayed out of the the jurisdiction of Alibaug police station since February, 2020. There are no fresh offences against him as submitted by the learned Counsel for the Applicant. The statement made by learned Counsel for the Applicant to that effect is accepted. In case, there are any offences registered against the Applicant during this period from February, 2020, learned A.P.P. and learned Counsel for the intervenor are at liberty to make an application for cancellation of this order which I am passing today.

8. As submitted by learned Counsel for the Applicant, in today's difficult time of pandemic it is necessary for the Applicant to help his parents. Therefore, I am inclined

to allow this application to that extent. However, certain conditions will still have to be imposed on him so that there is no further escalation of trouble between the parties. Hence, the following order :

ORDER

- (i) The clauses (iii), (iv) and (v) of the operative part of the order dated 14.2.2020 are modified and in their place, following conditions shall be imposed :
 - (a) The Applicant is permitted to enter the jurisdiction of Alibaug Police Station;
 - (b) The Applicant shall furnish details of his residence to the investigating officer;
 - (c) The Applicant shall report to the concerned police station once a fortnight for a period of one year from today.
- (ii) It is made clear that rest of the conditions in the order dated 14.2.2020 are maintained as they are.
- (iii) With these directions, the Application is disposed of.

(SARANG V. KOTWAL, J.)