

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.130 OF 2023 IN
CRIMINAL APPEAL NO. 754 OF 2019**

Avinash s/o Suresh Patil
and another

Applicants

Versus

The State of Maharashtra

Respondent

Mr. A. M. Gholap, advocate for the Applicants
Mrs. D. S. Jape, APP for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th September, 2023.

PC :

Heard rival submissions.

The applicants, who are original accused nos.1 and 2, are seeking relaxation of condition under clause (iv) of the order dated 30.07.2019, passed by this Court in Criminal Application No. 2527 of 2019 in Criminal Appeal No.754 of 2019 while suspending their sentence and releasing them on bail.

The learned APP strongly opposed the application and insisted for calling report from concerned Additional

Sessions Judge, Ahmednagar, about the attendance of the applicants, as directed by this Court.

The learned Counsel for the applicants submits, on instructions, that the applicants have followed the direction of this Court scrupulously and they appeared before the concerned Additional Sessions Judge in this year on 03rd March, 2023 and thereafter today i.e. 04th September, 2023. It appears that the applicants are following the order of this Court, which, in fact, was passed long back.

Therefore, considering the quantum of punishment, I am of the opinion that the aforesaid condition under clause (iv) of the aforesaid order dated 30.07.2019, which is only in respect of marking presence before the concerned Additional Sessions Judge, Ahmednagar, once in six months, needs to be waived.

As such, the application stands allowed in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE)
JUDGE