

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1404 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 2945 OF 2022

Pravin Sakharam Mhatre ...Applicant
V/s.
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 1403 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 2937 OF 2022

Sandip Nagnath Mhatre ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Vinod Chate a/w Kalpana Chate a/w Shivanjali Mane for the Applicants.
Mr. Siddharth Gharat h/f Mr. Nitin Sejpal for the Intervener.
Ms. Veera Shinde, APP for the Respondent/State.
Mr. Sachin Pawar, Crime Branch-2, Panvel.

CORAM : N.R. BORKAR, J.
DATE : 03.05.2023

P.C. :

1. This Court by order dated 20 October 2022 in Anticipatory Bail Application No. 2937 of 2022 and Anticipatory Bail Application No. 3562 of 2022 while releasing the applicants on anticipatory bail had *inter-alia* imposed following condition:

“(iii) The applicants shall not stay at village : Kamothe, Navi Mumbai till conclusion of the trial and shall seek permission of the trial Court in case they are required to enter the said village.”

2. Learned counsel for the applicants submits that the

applicants are auto-rickshaw drivers. They are the only earning members in their respective families. It is submitted that due to the condition in question the applicants are not able to earn their livelihood.

3. On the other hand, learned counsel for the complainant submits that if the condition in question is relaxed then, the applicants may threaten the witnesses and may commit another offence. It is, therefore, submitted that the condition may not be relaxed.

4. Considering the overall facts and circumstances and as there are no other criminal antecedents, I am inclined to relax the condition in question. In the result the following order is passed:

ORDER

A) The condition No. (iii) mentioned in the order dated 20 October 2022, passed in Anticipatory Bail Application No. 2937 of 2022 and Anticipatory Bail Application No. 3562 of 2022, is hereby relaxed.

B) The applicants shall, however, attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of the trial.

C) The applicants shall not tamper with the prosecution

evidence.

D) The prosecution/complainant is at liberty to move an application for cancellation of bail, if the above conditions are breached.

5. Interim Applications stand disposed of.

[N.R.BORKAR, J.]