

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 974 OF 2019

in

CRIMINAL APPLICATION NO. 619 OF 2019

Abdul Haq Mohd. Yasin Ansari

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

AND

CRIMINAL APPLICATION NO. 973 OF 2019

in

CRIMINAL APPLICATION NO. 618 OF 2019

Abdul Wahab Mohd. Yasin Ansari

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Amin Solkar along with Mr.Umang Shah, Advocate for the Applicants.

Ms. Anamika Malhotra, APP for Respondent-State.

Mrs. Vaishali Thorat, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th SEPTEMBER, 2023.

P.C. :

1. By these applications, applicants are praying for modification/relaxation of condition imposed in common order dated

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26th April 2019 passed by this Court (Coram : A. S. Gadkari, J.) in Criminal Application No.618 of 2019 in Criminal Application No.488 of 2019 in Bail Application No.1027 of 2019 and Criminal Application No.619 of 2019 in Criminal Application in 486 of 2019 in Bail Application No. 1028 of 2019 arising out of C.C.No.21 of 2019.

2. Learned counsel for applicants submitted that initially this Court (Coram: A. S. Gadkari, J.) had granted bail to applicants by order dated 2nd April 2019 and, thereafter on the applications of respondent No.2, the said order was modified and condition was imposed on the applicants that applicants shall not enter into the jurisdiction of Oshiwara Police Station till conclusion of trial.

Learned counsel further submitted that applicants are business-men, they are running their business since 1990 and they have galas in the jurisdiction of Oshiwara Police Station. It is getting difficult for them to manage their business and their clients are also affected. Yet trial has not started and charges have not been framed. No one knows how much time it would take to conclude the pending trial, but because of the condition imposed by this Court, the applicants are deprived from attending their business. Hence, requested to allow the applications.

3. Learned counsel for respondent No.2 vehemently submitted that in the assault by applicants, complainant had sustained grievous injuries and due to the said injuries, he has lost his eye and suffering from neurological problems, there was intention to kill the complainant. Applicants are habitual offenders. If they are permitted to enter in the jurisdiction of Oshiwara Police Station, again they may threaten the complainant who resides in the jurisdiction of Oshiwara Police Station and they may influence the prosecution witnesses also. Hence requested to reject the application.

4. I have heard both learned counsel.

5. The documents produced on record shows that applicants have galas in the jurisdiction of Oshiwara Police Station. This Court (Coram : A. S. Gadkari) has directed the applicants not to enter in jurisdiction of Oshiwara Police Station till conclusion of trial. Though, the crime is of the year 2018, yet the charge is not framed. No one knows how much time it would take for the conclusion of the trial. Applicants are running their business in jurisdiction of Oshiwara Police Station. Due to the order of this Court, they cannot enter in the said area. The applicants cannot be prevented to do their business. If applicants are directed to go to their galas and not to

enter the area of SRA scheme and in area where complainant and witnesses of this case are residing, it would suffice.

6. In view of above, I pass following order :

1. Applications are partly allowed.
2. The condition imposed by this Court by order dated 26th April 2019 is modified as under :

Applicants are permitted to enter the jurisdiction of Oshiwara Police Station where their galas are situated. Applicants shall not enter the area where the SRA scheme is going on and the area where the complainant and witnesses of this case reside and where complainant's office is situated.

Applications according stands disposed off.

(SHIVKUMAR DIGE, J.)