

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 11 OF 2024****IN****CRIMINAL APPEAL NO. 863 OF 2023**

Vijay Dinkar Wadale @ Ram

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Pradeep Yadav a/w. Mr. Saumitra Salunke & Ms. Swapnali Chavan for
Applicant/Appellant.

Mr. J.P. Yagnik, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 14th February 2024.

P.C. :

1) This is an application for modification of condition No. 14 (i) imposed upon the Applicant while releasing him on bail vide Order dated 29th November 2022 passed in Interim Application Nos. 2412 of 2023 and 2413 of 2013.

The said condition No. 14 (i) reads as under :-

*“The Applicant be enlarged on bail on furnishing P.R.
Bond in the sum of Rs.15,000/- with one or two local
sureties in the like amount.”*

2) Learned Advocate for Applicant submitted that, there are no relatives of the Applicant who can stand sureties for him, even for the said meager amount of Rs.15,000/-. That, though an Order granting bail to the Applicant is passed on 29th November 2023, as the Applicant could not comply with the said condition, he is still languishing behind bars and therefore the said condition may be suitably modified.

3) In view of the deliberation in Court on earlier occasion, Mr. Yadav, learned Advocate for Applicant tendered across the bar a joint Affidavit dated 1st February 2024 of two persons i.e. the friends of Applicant namely, Mr. Anil Kamlakar Kambale and Mr. Rajbahadur Yadav.

3.1) In para No.5 thereof, the said two persons i.e. the friends of Applicant have given their undertaking to keep the Applicant present before the trial Court once in three months i.e. on the day/date specified by the trial Court till disposal of the present Appeal. The said undertaking is in consonance with condition No. 14 (ii) of the Order dated 29th November 2023.

3.2) It is hereby made clear that, if the Applicant fails to make himself available at the time of hearing of present Appeal, the said two persons will be held responsible and in that event necessary legal action against them will be initiated.

4) In view of the above, we are inclined to modify the said condition No. 14 (i) imposed upon the Applicant.

4.1) After modifying condition No. 14(i) the same would read as under :-

The Applicant be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- on the basis of the Affidavit dated 1st February 2024 filed by Mr. Anil Kamlakar Kambale and Mr. Rajbahadur Yadav.

5) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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