

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

***INTERIM APPLICATION NO.101 OF 2024
IN
CRIMINAL APPEAL NO. 316 OF 2018***

Minesh Nanu Patil ... Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Suraj Naik a/w Mr. Rohan Hale i/b Mr. R. D. Suryawanshi, for
the Applicant.

Mr. V. B. Konde Deshmukh, Addl.P.P. for the Respondent – State.

Mr. Pradeep Gharat, for Respondent No. 7.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 23rd JANUARY 2024

P.C. :

1. Heard learned Counsel for the parties.
2. At the outset, learned Counsel for the applicant seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.

3. By this application, the applicant seeks relaxation of the conditions, which were imposed by this Court i.e. not to enter the local limits of Village- Umbarde, Taluka- Kalyan, District- Thane, and reporting to the trial Court every Monday, while suspending the applicant's sentence and enlargement on bail.

4. Perused the papers. Pending trial, the applicant was released on bail by this Court (Coram : A. M. Thipsay, J.) vide order dated 08th July 2014, on certain terms and conditions. The two conditions of which modification is sought, read thus:

(i) The applicant shall not enter into the local limits of village Umbarde till the conclusion of the trial against him.

(iii) The applicant shall report to the trial court on every Monday till the disposal of the case against him. Should the Court be closed on any given Monday, the applicant shall report on the next working day.

After a full-fledged trial, the applicant was convicted of the offences

with which he was charged.

5. Pursuant to his conviction, the applicant filed the aforesaid appeal alongwith an application seeking suspension of his sentence and enlargement on bail, during the pendency of his aforesaid appeal.

6. This Court (Coram: B. R. Gavai & S. V. Kotwal, JJ.) vide order dated 15th June 2018, suspended the applicant's sentence and released him on bail, on the same terms and conditions, as were applicable during trial. Two out of the other conditions stipulated by this Court vide order dated 08th July 2014, were (i) that the applicant shall not enter the local limits of village Umbarde, Kalyan, District- Thane and (iii) that the applicant shall report to the trial court on every Monday till the disposal of the case against him. Should the Court be closed on any given Monday, the applicant shall report on the next working day.

7. Since 08th July 2014, till date the applicant has not entered

village Umbarde, Kalyan. The applicant's parents reside in village Umbarde. According to the learned Counsel for the applicant, the applicant has not committed any offence during the said period. Learned Counsel for the applicant states that the applicant has also attended the trial Court, as directed by this Court every Monday. Statement accepted.

8. Considering the aforesaid, the application is allowed. Accordingly, the applicant is permitted to enter village Umbarde, Kalyan, District – Thane. The applicant shall now attend the trial Court once in four months, till the disposal of the appeal, instead of every Monday. Rest of the conditions imposed by this Court to continue till the final disposal of the appeal.

9. Application is disposed of on the aforesaid terms.

10. All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.