

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 349 OF 2024****IN****CRIMINAL APPEAL NO. 21 OF 2023**

Harshal Subhashrao Timande

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Vrushali L. Maindad a/w. Shaheeb Kapadia for Applicant/Appellant.

Mr. J.P. Yagnik, A.P.P. for Respondent No.1-State.

Ms. Mrunmai G. Kulkarni for Respondent No.2.

P.S.I. Mr. B.R. Darade, Ambernath Police Station is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 6th February 2024.****P.C. :**

1) This is an application for modification of part of condition No.

(ii) imposed upon the Applicant while releasing him on bail by Order dated

31st January 2023 in Criminal Appeal No. 21 of 2023.

2) The said condition No. (ii) reads as under :

“After his release from Jail, Appellant shall attend Ambernath Police Station, Dist. Thane, on every alternate Monday between 10.00 a.m. and 12.00 noon initially for a period of three months and subsequently, on every first Monday of the month between 10.00 a.m. and 12.00 noon during the pendency of trial.”

- 3) Learned Advocate for Applicant submitted that, the first part of the said condition has been complied with by the Applicant, however as far as second part of the condition i.e. reporting to the concerned Police Station on every first Monday of the month between 10.00 a.m. and 12.00 noon is concerned, it is onerous condition, as the Applicant is employed with Bank of Baroda and it is difficult for him to take leave on every first Monday of the Month.
- 4) Learned counsel appearing for Respondent No.2 submitted that, appropriate Orders in the interest of justice may be passed.
- 5) Record indicates that, after his release from Jail, the Applicant has diligently complied with the first part of the said condition i.e. attending the concerned Police Station on every alternate Monday between 10.00 a.m. to 12.00 noon for first year.
- 6) As the Applicant is employed with a Nationalized Bank, we are inclined to modify the second part of the condition and permit him to attend the concerned Police Station, i.e. Ambernath Police Station, District Thane on every first Sunday of the month between 10.00 a.m. and 12.00 noon during the *pendency* of trial. The condition No.(ii) of Order dated 31st January 2023 is accordingly modified.
- 7) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)