



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

**INTERIM APPLICATION NO. 1118 OF 2024
IN
BAIL APPLICATION NO. 225 OF 2023**

SONALI DEEPAK GAWARE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

**WITH
INTERIM APPLICATION NO. 1432 OF 2024
IN
BAIL APPLICATION NO. 225 OF 2023**

USHA POPAT KATE	..APPLICANT
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IN THE MATTER BETWEEN:

SONALI DEEPAK GAWARE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Senior Advocate Shri Rajiv Patil a/w Adv. Vrushali Maindad
a/w Adv. Shaheen Kapadia for the Applicant.

Senior Advocate Shri Raja Thakare a/w Adv. Siddharth
Jagushte a/w Mr. B.B. Kulkarni, APP for the State.

Adv. Prashant D. Patil for the Intervener.

CORAM : M. S. KARNIK, J.

DATE : APRIL 19, 2024

P.C. :

1. Heard learned senior counsel Shri Patil for the

applicant, learned senior counsel Shri Thakare for the State and learned counsel for the intervener.

2. This is an application for modification of conditions (c) and (e) imposed on the present applicant vide order dated 31/10/2023 passed in Bail Application No. 225 of 2023.

3. Learned senior counsel Shri Thakare opposed the application.

4. Learned counsel for the informant submitted that the conditions should not be relaxed as prior to the applicant being released on bail, there was a threat perception. The order enlarging the applicant on bail was passed on 31/10/2023. Since then there is nothing on record to indicate that the applicant has misused the liberty or breached the conditions. The conditions (c) and (e) mentioned in the order dated 31/10/2023 by which the applicant was released on bail read thus:

“(c) Except for attending the trial, the applicants shall not enter in the state of Maharashtra after being released on bail, till the trial concludes.

(e) The applicants shall furnish the details of the nearest police station to the place of their residence while residing outside the State of Maharashtra to the trial Court and to the

Investigating Officer. The applicants shall report to such police station twice a month, every first and third Monday of the month, between 11.00 a.m. and 1.00 p.m.”

5. I have perused the application.
6. The applicant is a woman. For the reasons mentioned in the application and also in the interest of justice, it is necessary that the condition (c) imposed needs to be relaxed. To allay the apprehension of the informant about the threat perception, the following conditions pursuant to the relaxation of the condition (c) will protect the interest of the informant.
 - (a) The informant is at liberty to apply for witness protection before the appropriate authority which application shall be considered on its own merits.
 - (b) It is open for the informant to apply for breach of conditions or if the informant is threatened.
7. In this view of the matter, so far as the applicant - Sonali Deepak Gaware is concerned, conditions (c) and (e) stand deleted.
8. The applicant is allowed to enter the State of

Maharashtra. The applicant shall, however, report to the trial Court, once in two months, on the first Monday of the concerned month, between 11.00 a.m. and 12.00 noon commencing May 2024. If Monday is a Court holiday/public holiday, the applicant shall mark her presence on the next immediate Court working day.

9. It is made clear that except conditions (c) and (e) the rest of the conditions shall remain intact and the prosecution/informant is at liberty to apply for cancellation of bail if any of the conditions are breached.

10. The applicant to abide by the freshly imposed conditions.

11. The application is disposed of in the above terms. The Interim Application No.1432 of 2024 also stands disposed of.

(M. S. KARNIK, J.)