

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1818 OF 2023****IN****CRIMINAL APPEAL NO. 1580 OF 2011**

Sandesh Laxman Mhatre

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Saili Dhuru i/b. Mr. Kuldeep Patil for Applicant/Appellant.

Ms. A.A. Takalkar, A.P.P. for Respondent-State.

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

1) This is an application for modification of condition No.7(ii) imposed upon the Applicant while releasing him on bail by Order dated 25th April 2012 in Criminal Application No. 1651 of 2011.

2) The said condition No.7(ii) reads as under :

“The applicant shall not enter the village of Bhal Bhorichabhat till the hearing and final disposal of the appeal.”

3) Learned counsel for Applicant submitted that, the informant and his other family members are now no more residing in the said village. That, the Applicant is regularly complying with condition No.7(iii) i.e. attending

the Alibag Police Station once in a month. That, the Applicant has not entered the said village for more than 11 years as of today. She submitted that, the family members of the Applicant are residing in the said village i.e. Bhal Bhorichabhat and therefore taking into consideration the said facts, he may be permitted to enter the said village.

4) Record indicates that, the Applicant is complying with condition No.7(iii) imposed upon him i.e. attendance to Alibag Police Station once in a month and there is no report of breach of the said condition. In view of the assignment of this Court, the possibility of hearing the said Appeal finally is bleak.

5) In view of the above, we are inclined to waive the said condition No. 7 (ii) imposed upon the Applicant while releasing him on bail.

6) Application is allowed in terms of prayer Clause (a).

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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