

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1586 OF 2024
IN
BAIL APPLICATION NO.515 OF 2023

Ajay Motiram Thakre ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.1814 OF 2024
IN
BAIL APPLICATION NO.755 OF 2023

Mayur Motiram Thakre ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Suraj N. Naik i/b. Mr. R. D. Suryawanshi for Applicants.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : AUGUST 29, 2024

P.C. :

- . Heard Mr. Naik, learned counsel for the applicants.
2. By these applications, the applicants are seeking modification of two conditions imposed by this Court by order dated 27.03.2023, while they were granted bail.
3. The said conditions read as follows:--
 - “iv. The applicants shall not step in Ambarnath Taluka till conclusion of the trial.
 - v. The applicants shall mark their presence before the Crime Branch, Thane (Unit-1) on every Friday between 10:00 a.m. to 2:00 p.m.

4. At the outset, it is brought to the notice of this Court that identical applications filed by co-accused persons - Santosh Balaram Vishe and Keval Suresh Gaikar were allowed by orders dated 14.02.2024 and 19.03.2024 respectively by this Court (Coram : Prithviraj K. Chavan, J.).

5. It is submitted that the applicants in these two applications are identically situated. It is also brought to the notice of this Court that the trial is underway and most of the witnesses have been examined. It is further stated that while granting bail, this Court had taken note of the fact that except the first informant, none of the witnesses had named the applicants being present at the place and time of the incident.

6. The learned APP has opposed the prayer made in these applications, submitting that there are instances as recent as in July 2024 of the brother of the victim being threatened and therefore, this Court may not allow these applications. It is submitted that fifteen more witnesses are yet to be examined during the course of trial.

7. This Court has considered the rival submissions. The applications of identically situated co-accused persons were allowed by the aforementioned orders passed by this Court. The reasons stated in the order dated 27.03.2023 granting bail to the applicants herein indicate that this Court found a case made out by the applicants in their favour for being enlarged on bail. Now about 15 witnesses remain to be examined during the course of trial, thereby indicating that a large number of witnesses have already been examined.

8. In view of the above, this Court is inclined to allow these applications. Accordingly, the applications are partly allowed and condition No.iv, quoted hereinabove, is relaxed to mean that the applicants may enter Ambarnath Taluka and insofar as condition No.v is concerned, instead of marking their presence before the Crime Branch,

Thane (Unit-1) on every Friday, the applicants shall now mark their presence on first Monday of every month between 10:00 a.m. and 2:00 p.m. before the Crime Branch, Thane (Unit-1), during the pendency of the trial.

9. The applications are disposed of.

(MANISH PITALE, J.)

Minal Parab