

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

***INTERIM APPLICATION NO. 3053 OF 2024
(For Temporary Relaxation of Bail Condition)
IN
CRIMINAL APPEAL NO.363 OF 2016***

Bhanudas S/o Eknath Kotkar ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Hrishikesh Ghorpade a/w Mr. Anup Patil and Ms. Tanvii
Tapkire for the Applicant

Mrs. P. P. Shinde, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
WEDNESDAY, 7th AUGUST 2024**

P.C :

1 Heard learned counsel for the parties.

2 By this interim application, the applicant seeks
relaxation of the condition imposed on the applicant vide order
dated 26th February 2018, in particular, clause (iii) of para 21 of

the said order passed in Criminal Application No. 731/2017 in the aforesaid Criminal Appeal, for a limited period of 4 days, commencing from 13th August 2024 to 16th August 2024.

3 Learned counsel for the applicant submits that the applicant seeks relaxation of the aforesaid condition on two grounds (i) for attending the house warming ceremony of his house on 14th August 2024 and (ii) for attending a function to be hosted by Krushi UUtpann Bazar Samiti, Ahmednagar, on 15th August 2024.

4 Mrs. Shinde, learned A.P.P opposes the application.

5 Perused the application. The applicant, along with other co-accused, has been convicted for the offence punishable under Section 302 r/w 34 of the Indian Penal Code (`IPC') and other sections and has been sentenced to suffer imprisonment for life for the offence punishable under Section 302 r/w 34 of the IPC. This Court (Coram : B. R. Gavai, J. (as he then was) and

Smt. Bharati H. Dangre, J.) vide order dated 26th February 2018, suspended the applicant's sentence and enlarged him on bail on certain terms and conditions stipulated in the said order. As per condition in clause (iii), the applicant was directed not to enter the area of Ahmednagar District during the pendency of the appeal, amongst other conditions.

6 By this present application, the applicant is seeking relaxation of the said condition which directs him not to enter the area of Ahmednagar District during the pendency of the aforesaid appeal. It appears that the applicant intends to attend the house warming ceremony of his house which is scheduled on 14th August 2024. It also appears that the applicant intends to attend the naming ceremony of the Krushi Utpann Bazar Samiti, Ahmednagar, which is to be named in the name of the applicant. The invitation card of the said function which is scheduled on 15th August 2024 is tendered before us. The same is taken on record.

7 It is not in dispute that one of the applicant's son-
Sachin Bhanudas Kotkar, who was also convicted in the said case
with a condition imposed on him, not to enter Ahmednagar
District, his condition has been relaxed by this Court vide order
dated 18th February 2024.

8 Considering the aforesaid, the application is allowed
and the said condition i.e. clause (iii) of para 21 of the order
dated 26th February 2018 passed in the aforesaid appeal is relaxed
for a period of 4 days, commencing from 13th August 2024 to 16th
August 2024.

9 Application is disposed of in the aforesaid terms.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.