

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3729 OF 2024
IN
INTERIM APPLICATION NO. 997 OF 2024
WITH
APPEAL NO. 246 OF 2024**

Mohd. Salim Abdul Khalik Shaikh and Ors. ... Applicant
versus
State of Maharashtra and Anr. Respondent

Ms. Riya Mane i/b. Rahul Arote, Advocate for the Applicant.
Mr. Prashant P. Jadhav, APP for State/Respondent No.1.
Mr. Vaibhav Ugle, Advocate for Respondent No.2.
PSI Bhupesh Salunke, Mumbra Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd OCTOBER, 2024.

P.C. :

1. Learned counsel for applicants submits that at present he is pressing for this applicant only for applicant Nos.3 and 4. His statement is accepted.
2. By this Application, applicant is seeking modification of order passed by this Court dated 3rd April, 2024 [Coram: Kishore C. Sant, J.]. Learned counsel for the applicants submits that this Court has released the applicants on bail. While passing the order, this Court has imposed the condition that the Applicants that they shall not enter in the jurisdiction

of Mumbra Police Station. Learned counsel further submitted that Applicant Nos. 3 and 4 have business in Mumbra and it is necessary for them to go in the jurisdiction of Mumbra City. Learned counsel further submits that Applicant No.1 is a fruit vendor and sales fruits on handcart in the local area of Mumbra and earns his livelihood. It has become difficult for him to manage his livelihood and cannot do the said business. Applicant No.3 is a building contractor and helping his brother in social work activities in the local Mumbra vicinity and he required to meet frequently to the local residents to solve their problems. The wife of Applicant No.4 is Corporator and Applicant no.4 holds important post for NCB Party and he has to attend various meetings in the Mumbra Constituency. Learned counsel further submitted that the incident had taken place in 2012. Applicants have been convicted in the year 2024. The Applicants never misused the liberty for 12 years and no complaint against them were registered by police or any witness regarding present case. Hence requested to allow the application.

3. It is contention of learned APP along with learned counsel for respondent no.2 that applicants have misused the order passed by this Court after passing the bail order by this Court, applicants entered in the Mumbra City. The NCs are registered against the applicants. Applicants are threatening the complainant and witnesses. If the bail condition is modified, applicants may threaten the complainant -first informant and witnesses. Hence, requested to reject the application.

4. I have heard all the learned counsel. Applicants have been convicted under Section 307 and relevant sections of IPC and sentenced to suffer rigorous imprisonment for 7 years. During the trial, they were on bail. As trial is completed and applicants have been convicted and applicants' family is staying at Mumbra and their base is set up at Mumbra. The incident was happened in the year 2012. Considering these facts, I pass following order:

Order

- (i) Interim Application No. 3729 of 2024 is partly allowed.
- (ii) The condition imposed on the Applicant Nos. 3 and 4 not to entere in Mumbra is relaxed.

Interim Application is disposed of accordingly.

(SHIVKUMAR DIGE, J.)