

modification / deletion of clause (ii) in para 3 of the order dated 17th January, 2011. The condition, of which, modification / deletion is sought, reads thus :

“ii) The Applicant shall not enter District Mumbai while on bail except to attend pending criminal case against him, if any on the relevant dates.”

3. Perused the application. The applicant alongwith other co-accused vide Judgment and Order dated 13th January, 2004, passed by learned Additional Sessions Judge, Greater Mumbai, in Sessions Case No. 1195 of 1992, has been convicted for the offences punishable under Section 302 r/w 34 of the Indian Penal Code ('IPC'). For the aforesaid offence, the applicant alongwith others has been convicted and sentenced to suffer rigorous imprisonment for life and to pay a fine of Rs.5,000/- in default, to suffer further simple imprisonment for one month.

4. The applicant, being aggrieved by the said Judgment and Order of conviction and sentence, has filed the aforesaid appeal. Alongwith the appeal, the applicant filed a bail application being

Criminal Bail Application No. 10 of 2011 praying therein for suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal. This Court (A.M.Khanwilkar & A.R.Joshi, JJ) vide order dated 17th January, 2011, suspended the applicant's sentence and enlarged him on bail on certain terms and conditions. The terms and conditions stipulated in para 3 of the said order read thus :

“3. In the circumstances we dispose of this bail application by granting bail to the Applicant/original Accused No.3 on the same terms and conditions as imposed on co-accused, as follows :

“i) The Applicant shall furnish bail bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

ii) The Applicant shall not enter District Mumbai while on bail except to attend pending criminal case against him, if any, only on the relevant dates.

(iii) The Applicant shall report to the nearest police station where he would ordinarily reside once in two weeks on first and third Monday of every English calender month between 10.30 a.m. to 12.30 p.m. This condition will be relaxed if the criminal case coincides with first or third Monday, as the Applicant will be required to attend court proceedings on those days.

iv) The Applicant shall furnish his latest address and also give 48 hours advance intimation in writing to the concerned police station, in the event he intends to travel outside the area of his latest address and shall furnish his travel plan as well as contact numbers, if any.

v) The Applicant shall not indulge in any criminal activity during such time nor threaten the witnesses in the in the pending criminal case during this period.”

5. The applicant states that similarly placed co-accused had preferred an application seeking deletion/modification of a similar condition and that the same was allowed by this Court vide orders dated 11th January, 2024 and 22nd February, 2024. Learned Counsel relied on the said orders which are at ‘Exhibit – B’ at page 24 and 30 of the said application.

6. Learned Counsel for the applicant states that post the applicant’s release on bail, the applicant has not entered Mumbai District and is residing at Mira Road, Thane i.e. at the address mentioned in the cause title of the application. He submits that the applicant has also been attending the concerned Police Station as

directed.

7. Learned APP does not dispute the fact that the applicant has attended the concerned Police Station as directed. The diary of the attendance is also annexed by the applicant to this application. The applicant has filed the aforesaid application after almost 11 years of being granted bail. The applicant's family consists of his wife and children, who reside at Andheri, Mumbai.

8. Considering that we have allowed the applications preferred by the co-accused in the same case and considering the fact that the applicant has abided by all the terms and conditions for about 11 years, the application is allowed and the order dated 17th January, 2011 stands modified / deleted as under :

ORDER

(i) Clause No.(ii) of the order dated 17th January, 2011 stands deleted.

(ii) The applicant is now permitted to enter District Mumbai. However, the applicant shall not enter

the area where the complainant resides.

(iii) The applicant shall now attend the nearest Police Station on the first Saturday of every month from 10.30 a.m. to 12.30 p.m.

(iv) Rest of the conditions imposed by this Court vide order dated 17th January, 2011, to remain as it is.

9. The application is accordingly allowed and disposed of on the aforesaid terms.

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

SHIVKUMAR DIGE, J

REVATI MOHITE DERE, J.