

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

**INTERIM APPLICATION NO. 4215 OF 2024
IN
BAIL APPLICATION NO. 935 OF 2023**

Sartaj Alam Mohd. Yasin ...Applicant

Versus

The State of Maharashtra ...Respondent

Adv. Shamal Gaonkar, a/w Neetu Singh, for the Applicant.
Mr. A. A. Naik, APP for the State/Respondent No.1.

**CORAM: N. J. JAMADAR, J.
DATED: 13th NOVEMBER, 2024**

PC:-

1. Heard the learned Counsel for the parties.

2. This application is preferred seeking relaxation of conditions incorporated in clause Nos.(3) and (4) of the order dated 16th April, 2024 whereby the applicant has been enlarged on bail.

3. Clause Nos.(3) and (4) read as under:

“(3) The applicant shall mark his presence at Andheri Railway police station on the first and third Monday of every month for a period of two years and, thereafter, on the first Monday of every alternate month between 11 am to 1 pm till conclusion of the trial.

(4) The applicant shall not leave the limits of Mumbai, Mumbai Suburban and Thane District without the prior permission of the trial Court.”

4. The applicant avers that the applicant has scrupulously complied with the aforesaid conditions. The condition to mark his presence at Andheri Railway police station on the first and third Monday of every alternate month for the period of two years operates onerously. Moreover, the applicant is a permanent resident of Delhi and, therefore, the condition not to leave the limits of Mumbai, Mumbai suburban and Thane Districts without prior permission of the Court is also quite onerous.

5. The learned APP resisted the prayer in the application. Inviting the attention of the Court to the observations in the order dated 16th April, 2024, it was submitted that the aforesaid conditions were imposed as there is a strong apprehension of tampering with evidence and fleeing away from justice.

6. Indeed, this Court has imposed aforesaid conditions having regard to the role attributed to the applicant and also to take care of the apprehension on the part of the prosecution. The material on record indicates that the applicant has marked his presence at Andheri Railway Police Station, as directed. In these circumstances, the condition to mark his presence at Andheri Railway Police Station can be

relaxed to the extent that the applicant can henceforth mark his presence at Andheri Railway Police Station on first Monday of every alternate month between 11.00 am. to 1.00 pm. till the conclusion of the trial.

7. As regards the condition not to leave the limits of Mumbai, Navi Mumbai and Thane Districts, it is necessary to note that the applicant claims to be a permanent resident of Delhi. The applicant was alleged to be the kingpin. A strong apprehension of fleeing away from justice was expressed by the prosecution. In this view of the matter, the Court does not find it expedient to completely relax the said condition. The Court, however, considers it appropriate to put such restraint on the applicant for a period one year from today.

8. Hence, the following order:

: O R D E R :

Clause Nos.(3) and (4) of the order dated 16th April, 2024 stand modified as under:

“(3) The applicant shall mark his presence at Andheri Railway Police Station on the first Monday of every alternate month between 11.00 am. to 1.00 pm. till the conclusion of the trial.

(4) The applicant shall not leave the limits of Mumbai, Mumbai Suburban and Thane Districts without the prior permission of the trial court for a period of one year from today.”

Application disposed.

[N. J. JAMADAR, J.]