



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1420 OF 2025
IN
CRIMINAL APPLICATION NO. 3605 OF 2016
IN
CRIMINAL APPEAL NO. 410 OF 2016

Arun Dagadu Rathod,
Age : 57 years, Occu. : Farmer,
R/o. Plot No.8, Sankalp Nagar,
Ambad Road, Jalna.

... Applicant

Versus

State of Maharashtra,
Through Police Inspector,
Kadim Jalna Police Station, Jalna
Tq. & Dist. Jalna.

... Respondent.

.....
Mr. Joydeep Chatterji, Advocate for Applicant.
Mr. V. M. Chate, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.
DATED : 29 APRIL 2025

ORDER :

1. In present application, against whom crime has been registered by Kadim Jalna Police Station, Dist. Jalna for offence punishable under sections 409, 420 and 468 of Indian Penal Code, has raised following prayers :-

“B] The condition embodied in Para 3 of the order dated 11.07.2016 of this Hon’ble Court in Criminal Application No. 3605 of 2016 in Criminal Appeal No. 410 of 2016 directing that, “....While admitting the applicants – accused to bail, the trial court shall add condition that applicants shall mark their presence in the trial court

every three months till disposal of the present appeal. The trial court shall send yearly report in January, about compliance regarding appearance of the accused”, may kindly be relaxed & dropped.

2. It is the assertion of learned counsel for applicant that, after being tried and held guilty for above offences, Criminal Appeal No. 410 of 2016 has been preferred in this court. That, along with appeal, Criminal Application No.3605 of 2016 was pressed into service by invoking 389 of Cr.P.C. seeking suspension of sentence and grant of bail in consequence to judgment and order of conviction dated 14.06.2016. He further pointed out that, after hearing both sides, this court was pleased to allow the application by order dated 11.07.2016. However, condition was imposed that applicant shall mark their presence every three months till disposal of appeal and this court further directed learned trial Judge to send yearly report of compliance.

3. It is therefore put-forth that, appeal is already admitted which is of the year 2016. Currently this court is dealing with appeals of 2006. Consequently, there are no immediate prospects of appeal being heard in near future. Therefore, learned counsel seeks relaxation or modification of condition of attending trial court every three months, when in fact appeal is pending before this court.

4. Learned APP opposed on the ground that, if the condition is modified or relaxed, there is every possibility of avoiding

prosecution of appeal and possibility of flight.

5. After considering the above submissions and on going through the papers, it is emerging that, after conviction appeal has been preferred before this Court in the year 2016. Detailed order has been passed by this court on 11.07.2016 suspending the sentence as well as extending bail during pendency of appeal. There is no further dispute that appeal being of 2016 and currently hearing of appeals of 2006 are in progress, much more time would be required to take up appeal for final hearing. Therefore, modification in paragraph no.3 of the order of this court dated 11.07.2016 deems fit. Hence, the following order is passed :

ORDER

(I) The application is partly allowed.

(II) Paragraph no.3 of the order dated 11.07.2016 passed in Criminal Application No.3605 of 2016 stands modified as under :

“Instead of attending trial court every three months, applicant shall attend trial court once in six months and maintain personal diary of his attendance.”

(III) Rest of the paragraph are kept intact.

(IV) In view of modified order, application is disposed off.

(ABHAY S. WAGHWASE, J.)