

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2979 OF 2023
in
CRIMINAL APPEAL NO. 190 OF 2019

Babaso Dattu Mane

... Applicant/
Appellant

versus

The State of Maharashtra

.... Respondent

Mr. Dushyant Digamber along with Ms. Abhilasha Pawar, Advocate for the Applicant in IA/2979/2023.

Mr. Shrikant H. Yadav, APP for Respondent No.1-State.

Ms. Manisha Deokar, Advocate for the Intervenor/Applicant in IA/5280/2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2025.

P.C. :

1. By this application, the applicant is seeking modification/relaxation of condition Nos. [2] and [3] imposed by order dated 22nd January 2020 passed by this Court (Coram : Prithviraj K. Chavan, J.) in Interim Application No.1 of 2019. By the said conditions, the applicant was directed to reside at Baramati till disposal of the appeal and not to enter Natepute City. The applicant was also directed to attend Baramati City Police Station on first day of every month.

2. It is contention of learned counsel for the applicant that the applicant has been convicted under Section 307 of the Indian Penal Code

1860 (for short "IPC") and sentenced to suffer simple imprisonment for five years. The applicant has challenged the said order by filing appeal, which is pending before this Court. While suspending the sentence, this Court has imposed the condition on undertaking of the applicant that he will reside in Baramati till disposal of the appeal. The applicant is a doctor and he is supposed to visit Natepute City for examining his patients and he is finding it difficult to attend the police station every month. Hence, requested to allow the application.

3. Learned counsel for first informant/intervenor strongly objected for relaxation of the said conditions on the ground that the applicant had tried to kill the first informant and her daughter. After conviction, he threatened the first informant and her daughter. If he is allowed to enter in Natepute City, he may give threats to the first informant and her daughter and there would be threat to their life. Hence, requested to reject the application.

4. Learned APP strongly objected to allow the application.

5. I have heard all learned counsel.

6. The applicant has been convicted by learned Trial Court. The first informant stays at Natepte at Dahigao Road. The appellant may be permitted to enter Natepute City, however, if he is directed not to enter Dahigao Road area, it would suffice and I pass following order :

ORDER

- (I) The bail condition Nos. [2] and [3] imposed by order dated 22nd January 2020 passed by this Court (Coram : Prithviraj K. Chavan, J.) in Interim Application No.1 of 2019 are relaxed.
- (ii) The applicant is permitted to enter Natepute City, however, he is directed not to enter Dahigao Road area, where the first informant resides with her daughter.
- (iii) The appellant shall attend the concerned police station as and when required.

The interim application is allowed in above terms and disposed of.

7. In view of disposal of above interim application, Interim Application No. 5280 of 2024 will not survive for consideration and is also disposed of.

(SHIVKUMAR DIGE, J.)