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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2251 OF 2025
IN
CRIMINAL APPEAL NO.631 OF 2010**

Utta Vasant Khel	.. Applicant
vs.	
The State of Maharashtra	.. Respondent

Mr. Vignesh Ashokan i/b Mr.V. V. Purwant for the Applicant.
Mr. K. V. Saste Addl. P.P. for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 18th JULY, 2025

P. C. :

1. This is an Application for relaxation of the condition imposed by the Division Bench of this Court while granting bail pending his Appeal *vide* order dated 18/08/2011. While granting bail, the Division Bench had put the following condition :-

“8. The Applicant shall be released on bail on PR. Bond in a sum of Rs.5,000/- without any surety subject to condition that applicant shall not enter the jurisdiction of Mhaswad Police Station and shall report to the nearest police station from his new residence once in a month. The Applicant shall give his new address of residence to the Superintendent of Jail before his released. Criminal Application for bail is, accordingly, disposed of.”

2. The learned Counsel for the Applicant submitted that it has been about 14 years that the Applicant has not gone to his house within the jurisdiction of Mhaswad police station. The Applicant has agricultural land. He needs to cultivate that land and earn his livelihood. His family consists of a daughter and wife. It is his responsibility to look after them. Therefore, in the interest of justice that condition be deleted.

3. The learned APP opposed this Application, considering the gravity of the allegations. The Applicant was convicted under Section 376 (2)(f) of the I.P.C. and sentenced to suffer R.I. for life.

4. We have considered these submissions. It has been about 14 years since the order was passed. It is a reasoned order with observations as to why the bail was granted to the Applicant. All these reasons are strongly in favour of the Applicant. The Division Bench at that time thought it necessary to keep the Applicant away from the jurisdiction of Mhaswad police station. The Appeal was expedited. Till today, the Appeal is not listed for final hearing and it is not likely to be listed in a near future. The Applicant has been away from his house and agricultural land for about 14 years. The future of this Appeal regarding its final disposal is also uncertain. In this view of the matter, we do not think it necessary that he should be kept away from his house and agricultural land indefinitely. It is

also to be noted as submitted by the learned Counsel for the Applicant that he has the family of wife and daughter to support. He can effectively do so if he enters the area where the house and agricultural land are situated. In this view of the matter, we are inclined to relax that condition.

5. Hence, the following order :

ORDER

- (i) The condition recorded in the order dated 18/08/2011 in Criminal Application No.634 of 2011 in Criminal Appeal No.631 of 2010, not to enter the jurisdiction of Mhaswad police station is deleted. However, the Applicant shall now report to Mhaswad police station once every month.
- (ii) The rest of the conditions in the said order are maintained.

6. With these observations, the Interim Application stands disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)