

Soparkar

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

CRIMINAL APPLICATION NO.1785 OF 2024

Mangala Raju Panchal

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Rajas Naik, Advocate for the Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for the Respondent/State.
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 25, 2025.

P.C.:

1. Heard Mr. Naik, learned Advocate for the Applicant and Ms. Ganapathy, learned APP for the State.

2. At the outset, the learned Advocate for the Applicant would submit that the prayer clause in the application needs to be amended as inadvertently in prayer clause (b) the Applicant seeks setting aside of the order dated 15th October, 2024 passed by the learned Sessions Court.

3. The amendment is permitted to be carried out forthwith in the presence of the Court. Reverification stands dispensed with.

4. The learned Advocate for the Applicant would submit that in terms of condition No.4 there is an embargo on the Applicant from visiting and residing in the jurisdiction of the police station where First Informant is residing. The ground stated in the application is to the effect that the Applicant does not have any other place of residence in view of her financial condition and therefore, she would seek relaxation of the said condition.

5. *Prima facie*, on reading the order of grant of bail, it is seen that the prime accused No.1 is the person who is responsible for the crime in question, whereas the present Applicant happens to be his wife. Though learned Prosecutor Ms. Ganapathy has opposed the Application in view of the background and the antecedents of Applicant and would submit that there would be an imminent threat if she is allowed to reside in her house primarily because she happens to be the neighbour of a person, the learned Prosecutor may be right, but she needs to understand the reason and cause of making such an application.

6. Reading of the bail order itself shows that there are complaints and cross-complaints filed by Applicant and Informant's family against each other. Further it is seen that they are residing in a slum area. It is

true that conditions of bail are required to be deterrent in order to prevent any further crime but sometimes the harsh reality of life is such that if a person is prevented from residing in her own house and if she does not have any other house, the Court will have to step in. The Applicant before me is a lady and therefore, in that view of the matter, the request made by her in the ground stated in the application deserve to be considered.

7. Hence, the Application stands allowed in terms of prayer clause (b) which reads thus :-

“(b) This Hon’ble Bombay High Court be pleased to modify the Impugned Order dated 15.10.2024 passed by Ld. Sessions Court Mumbai in Misc. Application No. 1738 of 2024 in Bail Application No.1024 of 2024 filed with Sessions Court, Mumbai.”

8. The order dated 15th October, 2024 to the extent of condition No.4 stated therein stands modified. Condition No.4 appearing in the said order stands deleted.

9. Needless to state that, modification of the condition is *qua* the Applicant before me only in the facts of the present case.

10. Application is disposed.

[MILIND N. JADHAV, J.]