

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO. 3721 OF 2024

IN

CRIMINAL BAIL APPLICATION NO. 209 OF 2022

Shashikant Gajanan Mhatre and Ors.

... Applicants

Versus

State of Maharashtra

... Respondent

.....

Mr. Vinod Kashid, Advocate for the Applicants.

Mr. Deepak N. Salvi, Special P. P. a/w. Smt. S.D.Shinde, APP, Mr. Sahil Salvi, Narendra K. and Mr. Aditya Kothur, for the State.

PSI – S.M. Tawade, ACB, CB, Thane City present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 6th MAY, 2025.

P. C. :

1. By this application, the applicants are seeking relaxation of condition imposed on the applicant by this Court (Coram : M.S.Karnik, J.) dated 16.04.2024.

2. It is contention of learned counsel for the applicants that as per condition No.(c) of the bail order i.e. “Except for attending the trial, the applicants shall not enter the area of Mumbai/Mumbai Suburban, Thane, Palghar and Raigad districts after being released on bail, till the trial concludes.” The main accused has been released on bail and no such condition is imposed on him. The accused against whom the allegations

are that he fired at victim has been released on bail and no such condition is imposed on him. The applicants have small daughters. They needs to take care of them. He has attended the police station regularly. He was behind bar for almost seven years. He wants to stay with his family hence requested to allow the application.

3. It is contention of learned Special P.P. that applicant has not visited the police station after releasing from jail. He has not informed the Investigating Officer or Court about the change of address. The applicant was part of group who has murdered the deceased. The applicants, first informant and prosecution witnesses stays in the same vicinity. If the applicants released on bail, they may threaten prosecution witnesses and requested to reject the application.

4. I have heard all learned counsel. Perused the order passed by this Court (Coram :Manish Pitale, J.), in respect of accused Rajnikant Mhatre while releasing on bail the condition imposed on him that “the applicant shall not enter the premises where the informant, witnesses and the wife / daughter of the deceased are residing”. The applicants were behind bar for more than seven years. They wants to stay with their family. The prosecution has examined around 23 witnesses. The evidence of first informant and eye witnesses have been recorded. Considering theses facts, I pass following order.

ORDER

- i. The interim application is allowed.
 - ii. The applicants shall not enter in the premises where the informant and witnesses stays.
5. The Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)

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