

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.5210 OF 2024

IN

INTERIM APPLICATION NO. 2722 OF 2023

IN

CRIMINAL APPEAL NO. 840 OF 2023

Dnyaneshwar Prakash BorseApplicant/Appellant

Vs.

The State Of Maharashtra & Anr.Respondent

Mr. Aniket Vagal, with Ms. Savvy Kolhekar and Mr. Kunal Pednekar,
for the Applicant/Appellant.

Mr. Aashish Satpute, Addl.P.P., for Respondent-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 17th February 2025.

P.C.:-

1) By this Interim Application, the Applicant seeks relaxation/modification of the condition imposed by this Court vide order dated 15th September 2023 passed in Interim Application No. 2722 of 2023 in the aforesaid Criminal Appeal.

2) The condition of which modification is sought, reads thus:

“ii) The applicant shall report to the trial Court,

once in three months on the day/date specified by the trial Court, till the appeal is finally disposed of;”

3) Learned counsel for the Applicant states that the Applicant is serving in the Indian Army as ‘Sepahi’ and presently posted at Jabalpur, Madhya Pradesh. He submits that it is very difficult for the Applicant to travel to the concerned trial Court in view of his army assignments/training, as the Applicant would be required to travel to different states in view of his work.

4) Perused the Application. Vide order dated 15th September 2023, this Court after considering the evidence on record, has allowed the Applicant’s Application and suspended his sentence and enlarged him on bail on certain terms and conditions stipulated in the said order.

5) Considering that the Applicant is in another State and would not be able to take leave often and attend the concerned trial Court, we allow the Interim Application and accordingly, modify the said condition (ii). The said condition shall now read as under:

“The Applicant shall report to the trial Court, once in a year on the day/date specified by the trial

Court, till the Appeal is finally disposed off.”

Rest of the conditions remain as it is.

6) Application is allowed and disposed off in the aforesaid terms.

7) All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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