

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

**INTERIM APPLICATION NO.313 OF 2025
IN
CRIMINAL APPEAL NO.3834 OF 2024**

Mohd. Yasin Mohd. Akbar Khan .. Applicant

vs.

State of Maharashtra .. Respondent

Mr. Rahul Arote for the Applicant.

Mr. Vinit A. Kulkarni APP for the Respondent-State.

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

DATE : 18th JUNE, 2025

P. C. :

1. This is an Application for relaxing the condition imposed on the Application while granting bail during pendency of Criminal Appeal No.992 of 2024. The Applicant was one of the accused in Sessions Case No.1195 of 1992 before the Court of Sessions at Mumbai. He alongwith others was convicted for an offence punishable under Section 302 read with 34 of the Indian Penal Code. He was sentenced to suffer life imprisonment. However, his Criminal Appeal No.992 of 2024 is pending before the Court. Originally,

the Applicant had preferred Criminal Appeal No.541 of 2004 alongwith another accused. After that, the Appeals were separated and therefore new number is given as Appeal No.992 of 2024. The Applicant was granted bail by the Division Bench of this Court vide order dated 17/01/2011 passed in Criminal Application No.10 of 2011 in Criminal Appeal No.541 of 2004. One of the condition was that the Applicant was not to enter the District Mumbai except to attend pending Criminal case, if any. There were other conditions imposed. The Applicant preferred Interim Application No.3834 of 2024 in Criminal Appeal No.992 of 2024 for modification of that particular condition. Another Division Bench of this Court vide order dated 31/12/2024 permitted the Applicant to enter the District Mumbai, however, he was restrained from entering the area where the complainant resided.

2. Learned Counsel for the Applicant submitted that the other two co-accused were granted bail, originally, on the same condition. However, subsequently, the condition of not entering the District Mumbai was relaxed. Those accused i.e. Noor Mohd Abdul Gafoor and Qasim Mohd. Abdul Qadar were permitted to enter the District Mumbai and no restrictions were put on them of not residing in the area where the complainant resided. Learned Counsel for the Applicant submitted that these two co-accused are in fact residing in the same building as that of the complainant. Therefore, there is

no reason to restrain the Applicant from entering Andheri, where the complainant resides. Learned Counsel submitted that the Applicant has his ancestral home in Andheri and therefore, it is the only place where he can live in Mumbai. He is already 63 years of age. The incident is of the year 1992. There are no further offences to his discredit. The Applicant has abided by all the conditions imposed on him for a very long period and therefore, sympathetically the Applicant be permitted to reside in Andheri.

3. Learned APP submitted that considering that the Appeals are pending since 2004, they be decided finally. Then there will be no question of relaxation of the condition.

4. We have considered these submissions. The learned Counsel for the Applicant has submitted that the co-accused are residing in the same building as that of the complainant. Therefore, we see no reason to put that additional condition on the present Applicant alone. He has his ancestral home in Andheri. Therefore, he can be permitted to reside in his ancestral home. By way of precaution, he can be directed to attend the nearest police station which is D. N. Nagar police station on every first Saturday of the month, as was directed vide the order dated 13/12/2024 passed in Interim Application No.3824 of 2024 in Criminal Appeal No.992 of 2024. Hence, the following order :-

:: ORDER ::

- i. The Applicant is permitted to reside in Andheri.
- ii. The Applicant shall not cause any harassment to the first informant.
- iii. The Applicant shall attend D.N. Nagar police station on the first Saturday of every month between 10.30 am to 12.30 pm during pendency of this Appeal.
- iv. Rest of the conditions imposed by the Division Bench of this Court vide the order dated 17/01/2011 are maintained as they are.
- v. Interim Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)