

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

**INTERIM APPLICATION NO.685 OF 2025
IN
CRIMINAL APPEAL NO.1437 OF 2023**

Abdul Siddhiki Mohd.

Abdul Majid Kazi

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Aabad Ponda, Senior Advocate i/b Mr. Srinidhi A. Sonak for the
Applicant.

Mr. V. A. Kulkarni APP for Respondent No.1-State.

Ms. Ilsa Shaikh for Respondent No.2.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 30th JULY 2025

PC. :-

1. Heard Mr.Ponda, learned Senior Counsel for the Applicant,
Mr.Kulkarni, learned A.PP for Respondent No.1-State and Ms.Shaikh,
learned Counsel for Respondent No.2-Intervenor.
2. By the order dated 30th January 2024 passed by the

Coordinate Bench (Coram : A. S. Gadkari & Shyam C. Chandak, JJ.) in Interim Application No.81 of 2024, arising of Criminal Appeal No.1437 of 2023, the Applicant was allowed to go on bail subject to the conditions mentioned therein. The Condition (v) reads as follows :-

- (v) After his release from jail and during the pendency of the Appeal the Applicant shall not enter the jurisdiction of Thane Police Commissionerate.”

In view of Condition No. (v), the Applicant is not permitted to enter the jurisdiction of Thane Police Commissionerate. The present Application has been filed with the prayer to relax aforesaid Condition No. (v) on the ground that the father of the Applicant is suffering from serious heart ailments including 100% blockage and is required to undergo a surgical procedure which is scheduled on 1st August 2025, at GHC Hospital, Thane-Shil Road, Kausa, Thane. The Applicant being the only earning adult male member in the family, his presence during the treatment of his father is extremely essential as otherwise same would pose serious hazard to the father of the Applicant and also adversely impact the other members of the family.

3. Mr. Ponda, learned Senior Counsel for the Applicant has

argued that the Applicant, has two unmarried sisters, one of whom is school going. Besides his two sisters and mother, there is no one else in the family. Therefore, if the Applicant is not allowed to attend to his father during the impending surgery, the same would cause serious prejudice to the interest of the family members.

4. The prayer made in the Interim Application is strenuously opposed by Mr.Kulkarni, learned A.P.P as well as Ms.Shaikh, learned Counsel appearing for Respondent No.2. By inviting the attention of this Court to the conduct of the Applicant, they have submitted in tandem that this is not a fit case to relax the bail condition No. (v). The learned Counsel for the Respondents have, however, not disputed the fact that the Applicant's father is seriously ill and is required to undergo a surgical process.

5. The Applicant has filed affidavit today bringing the medical documents on record. We have perused the same. The affidavit be taken on record.

6. Considering the overall facts and circumstances of the case and on perusal of the documents on record, we are inclined to grant temporary relaxation of condition No. (v) to the Applicant.

7. We, accordingly, direct, as an ad-interim measure, that the

condition No. (v) contained in the bail order dated 30th January 2024, insofar as the Applicant is concerned, shall be kept in abeyance till the next date. The question of continuance of this order shall be considered, after hearing learned Counsel for the parties on the next date fixed. The Respondents shall be at liberty to bring the conduct of the Applicant, if any, during this period to the notice of this Court so as to seek vacation and/or modification of the present order.

8. This order would take immediate effect.

9. List the Interim Application No.685 of 2025, again on 26th August 2025.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)