

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4105 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO. 3135 OF 2024

Roshan A. Bari

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents.

.....

Mr. Durgesh Dinesh Rege for the Applicant.

Mrs. A.A. Deshmukh, APP for the Respondent/State.

ASI S.S. Gimbhal, Vangaon Police Station is present.

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CORAM : N.R. BORKAR, J.

DATE : 01.12.2025.

P.C. :

1. By this Interim Application, the applicant seeks relaxation of the condition imposed by this Court, while releasing him on anticipatory bail vide order dated 21st July 2025 in Anticipatory Bail Application No. 3135 of 2024. The said condition reads thus :

"Furthermore, as undertaken, the applicant shall not enter or remain within the jurisdictional limits of the village Mangela Aali, Gungwada, Dahanu, where the victim resides, until the conclusion of the trial proceedings."

2. The above condition was challenged before the Hon'ble Supreme Court. The Hon'ble Supreme Court by order dated 29th October 2025 in Criminal Appeal No. 4664 of 2025 granted liberty to the applicant to move before this Court for modification of the condition in question. The order of the Hon'ble Supreme Court reads thus:

- "1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal impugns a condition imposed in the order dated 21.07.2025 passed by the High Court of Judicature at

Bombay while granting anticipatory bail to the appellant in connection with CR No. 81/2024 registered at P.S. Vangaon, Palghar.

4. *The condition with which the appellant is aggrieved reads thus:*

“Furthermore, as undertaken, the applicant shall not enter or remain within the jurisdictional limits of the village Mangela Aali, Gungwada, Dahanu, where the victim resides, until the conclusion of the trial proceedings.”

5. *Apparently, the aforesaid condition was imposed on the undertaking given by the applicant. It is also not clear from the record whether the appellant has no other place of abode than in village Mangela Aali.*

6. *In such circumstances, we deem it appropriate to dispose of this appeal by giving liberty to the appellant to move a modification application before the High Court for modifying the aforesaid condition. If any such modification application is submitted by the appellant, the same shall be considered on its own merits.*

7. *With the aforesaid liberty, the appeal and all pending applications are disposed of.”*

3. Hence, the applicant has filed the present application.

4. Learned counsel for the applicant submits that the applicant is the only earning member in his family. It is submitted that the mother of the applicant is the Cancer survivor. It is submitted that considering the said facts, the condition in question be relaxed.

5. It is not the case of the applicant that the circumstances on which relaxation of the condition in question is sought, were not in existence on the date of his giving undertaking that he would not reside in village Mangela Ali. In that view of the matter, I am not inclined to relax the condition in question. Hence, the Application is rejected.

[N.R.BORKAR, J.]