



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

969 CRIMINAL APPLICATION NO. 2528 OF 2025
IN BA/1472/2023

Mohsin Habib Shiah Alias Baba PathanApplicant

VERSUS

The State of MaharashtraRespondent

Mr. S. G. Ghongade, Advocate for Applicant.
Mr. P. P. Dawalkar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicant has preferred this application under Section 439(3) of Code of Criminal Procedure seeking relaxation of condition in Clause No. ii(d) of the order dated 07.09.2023 passed in Bail Application No. 1472/2023.

2. By order dated 07.09.2023, the Applicant was granted bail by imposing certain conditions. Clause No. ii(d) of said order reads as under :-

“(ii)

(d) He shall not enter Ausa Taluka Till disposal of the Sessions Trial in the present case.”

3. Learned Counsel for the Applicant submits that the Applicant has completed D. Pharmacy degree and now wishes to establish a medical shop in Ausa city.

4. Upon considering the reasons mentioned in the application and the material on record, this Court is satisfied that the Applicant has made out a case for relaxation of condition in Clause No. ii(d) of the order dated. It is well settled that the conditions which impede the applicant's liberty may be modified if the interest of justice is still served. As such, the application deserves to be allowed. Hence, following order :-

ORDER

- (i) Application is allowed.
- (ii) Condition No. ii(d) of the order dated 07.09.2023 is relaxed.
- (iii) Rest of the conditions in the order shall remained unaltered and intact.

(SACHIN S. DESHMUKH, J.)