ARUNA SANDEEP TALWALKAR
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# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# CRIMINAL APPELLATE JURISDICTION

## INTERIM APPLICATION NO. 3259 OF 2026
## WITH
## INTERIM APPLICATION NO. 2288 OF 2026
## IN
## CRIMINAL APPEAL NO. 568 OF 2017
## WITH
## CRIMINAL APPEAL NO. 568 OF 2017

Riyaz Vali Mohammed Shaikh. … Applicant
Versus
State of Maharashtra & Ors. … Respondents

## WITH
## CRIMINAL APPEAL NO. 534 OF 2017
## WITH
## INTERIM APPLICATION NO. 3444 OF 2026
## INTERIM APPLICATION NO. 5340 OF 2024
## INTERIM APPLICATION NO. 1770 OF 2026
## IN
## CRIMINAL APPEAL NO. 534 OF 2017

Yogesh Shantaram Waghmare. … Appellant.
Versus
State of Maharashtra & Ors. … Respondents

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Mr. Mohd. Ahmed Shaikh a/w. Adv. Sofiya Shaikh, Adv. Anchal Meena , Adv. Mokshada Bhisi, Advocate for Applicant in Interim Application No. 3259 of 2026.
Mr. Prosper D'Souza, Advocate for Appellant in APEAL/534/2017.
Mr. A.A. Palkar, APP for Respondent/State.
Mr. Amit Gharte, Advocate for Respondent No. 2 (victim).

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**CORAM : M. S. KARNIK &**
**SANDESH D.PATIL, JJ.**

**DATE : 9th OCTOBER, 2026**

P.C. :

1. We have learned Counsel for the Applicant in Interim Application No. 3259 of 2026 and the learned APP. who opposed the Application.

2. The learned Counsel for the Applicant submitted that this Court by an order dated 21st August, 2026 enlarged the Applicant on bail during the pendency of this appeal. One of the condition i.e. Condition No. 11(viii) was that the Applicant shall be released on bail only after the fine amount has been paid. The fine amount is Rs. 5 Lakhs. The learned Counsel for the Applicant in the Application stated that the Applicant has not been able to avail of the bail which was passed as back as per the order dated 21st August, 2026 due to financial difficulties. It is submitted on instructions that the Applicant is willing to deposit the fine amount of Rs. One Lakh.

3. The learned APP vehemently opposed the application and submitted that this is a case of double murder and therefore, the condition of fine of Rs. 5 Lakhs was imposed on the Applicant which he must deposit. Said condition, according to the learned APP cannot be said to be unreasonable.

4. We are of the opinion that since the Applicant has been in custody since long and now he is willing to pay fine amount of Rs. One Lakh, liberty of the Petitioner only on the ground that he is not in a position to deposit the fine amount of Rs. Five Lakhs should not be curtailed.

5. Accordingly, the present Interim Application No. 3259 of 2026 is allowed. The condition No. 11(viii) in the order dated 21st August, 2026 stands modified to read as "It is made clear that the applicant shall be released on bail only after depositing the fine amount of Rs. One Lakh with the trial court".

6. Rest of the conditions in the order dated 21st August, 2026 shall remain intact.

7. It is made clear that this modification is subject to the outcome of the appeal.

8. Mr. Prosper D'Souza, learned Counsel appears for the Applicant (Accused No. 2 ) in the Interim Application No. 3444 of 2026. List the matter on 30th October, 2026. We shall make an endevour to hear the appeal finally.

**(SANDESH D.PATIL, J.)** **(M. S. KARNIK, J.)**