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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.814 OF 2013

Sunil Kashinath Chikane

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr. Ashok Kumar Dubey for the applicant.

Mrs. P.P. Shinde, A.P.P. for the State.

CORAM : P.N. DESHMUKH, J.

VACATION JUDGE

DATED : 27TH DECEMBER, 2013

P.C. :-

1. The applicant who is involved in Sessions Case No.264/12 for offences punishable under Section 302, 307, 323, 201, 504 r/w. 34 of the Indian Penal Code and under Section 37(1), 135 of the Bombay Police act and who is on bail as per the order of this Court dated 7th January, 2013 has filed this application for permission to enter within the jurisdiction of Ulhasnagar P.S. to attend the marriage ceremony of daughter of his brother scheduled on 28th December, 2013 to 5th January, 2014.

2. Heard both the advocates. Record reveals that the applicant is released on bail by this Court. However, considering his criminal antecedents, the applicant is directed not to enter the municipal limits of Ulhasnagar during the pendency of trial. Learned counsel for the applicant makes a statement that in the trial Court, charge is yet to be framed and that the applicant is scrupulously attending the Mahatma Phule Chowk police station, Kalyan.

It further reveals that initially applications were moved by the applicant for modification of condition imposed as above, which were rejected, that the applicant has also filed earlier application being Criminal Application No.673 of 2013 claiming similar relief and the same was rejected on 26th December, 2013, as there were no prayer made in the application for allowing the applicant to visit Ulhasnagar for attending the marriage of his brother's daughter on 28th December, 2013.

3. Having considered the marriage invitation card and limited prayer made by the applicant, the application is liable to be allowed by imposing suitable conditions. However, the prayer for allowing the applicant to visit the place from 28th December, 2013 to 5th January, 2014 cannot be allowed as the marriage is scheduled on 28th

December, 2013 in the morning hours. The application is, therefore, allowed as per order below:-

- i) Applicant Sunil Kashinath Chikane is allowed to attend the marriage of Gauri, daughter of his brother Vijay scheduled to be held on 28th December, 2013 at Patel Nagar, Gandhi Road, Ulhasnagar-5 from 28th December, 2013 to 31st December, 2013.
- ii) During the above period of stay of the applicant within the limits of Ulhasnagar Municipal Corporation, he shall mark his presence with Hill Line Police Station, Ulhasnagar-5 on each day of his stay, till 31st December, 2013.
- iii) A copy of this order be transmitted to the concerned police station.

4. Parties to act on the authenticated copy of this order.

(P.N. DESHMUKH, J.)