

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4867 OF 2015
IN
CRIMINAL APPLICATION NO. 1549 OF 2015**

Mukesh S/o Ramesh Baviskar,
Age: 35 years, Occu: Business,
R/o Kanchannagar, Jalgaon,
Tq. & Dist. Jalgaon.

...Applicant

versus

The State of Maharashtra

...Respondents

.....
Mr. S.S. Jadhav, Advocate for applicant
Mr. G. O. Wattamwar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 12th OCTOBER, 2015

ORAL ORDER :

By order dated 16/04/2015 passed on Criminal Application No. 1549 of 2015 the applicant was ordered to be released on regular bail.

2. While releasing him on regular bail, the condition was incorporated that he shall not leave the city of Chopda without giving intimation to the police station officer, Chopda. He claims that in his family, his wife and two children are residing in Jalgaon city and he

was permitted to enter the municipal area of Jalgaon only on the dates of trial. According to him, as a result of above, he is unable to stay with his family since April 2015. He would further urge that since trial has not commenced, which is likely to take considerable time, it will be appropriate to relax condition Nos. 4 and 5 by permitting him to stay in the municipal limits of Jalgaon. He volunteers that the applicant shall report the police station, Jalgaon twice in a week i.e. every Tuesday and Saturday.

3. The prayer is opposed by learned A.P.P. on the ground that the applicant is history sheeter and if the conditions are relaxed and he is permitted to enter the municipal limit of Jalgaon city, there is likelihood of breach of law and order in view of ensuing Ganpati and Navratri festival.

4. Upon considering rival submissions, it is to be noted that the fact about the applicant is history sheeter is already dealt with by this Court while granting bail.

5. So far as likelihood of breach of law and order is concerned, same can be taken care by directing the present applicant as is volunteered by him to report the police station, Jalgaon on every Tuesday and Saturday in a week.

6. In view thereof, condition Nos. 4 and 5 are modified and the applicant is permitted to enter the jurisdiction of the municipal area of Jalgaon city.

7. In the light of above, the application stands allowed in above terms.

[N.W. SAMBRE, J.]