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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.197 OF 2015

Mubarak Jaitulla Khan and Anr.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.R.B.Mungekar, for the Applicants.
Mr.S.H.Yadav, APP for the State.
PSI – Dilip Shinde, Shahu Nagar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATED : 12th MARCH, 2015.

P.C.

1. Heard the learned counsel for the Applicants and the learned APP for the Respondent – State.
2. By this application, the Applicants seek relaxation of the condition imposed by the learned Sessions Judge, Court of Sessions for Greater Bombay, in clause (8), of the Order dated 10th November, 2014, passed in Criminal Bail Application No.2702 of 2014. The said clause (8), of the Order dated 10th November, 2014, reads thus :-

“8. The applicants/accused should attend the Shahu Nagar Police Station on every Tuesday and Thursday until further orders. Inform the Shahu Nagar Police Station accordingly.”

3. Learned Counsel for the Applicants submitted that pursuant to the said order dated 10th November, 2014, the applicants have been attending the Shahu Nagar Police Station on every Tuesday and Thursday. He submitted that the applicants had preferred an application seeking modification/relaxation of the said condition (8) before the Court of Sessions for Greater Bombay, and that the same was rejected by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai, only on the ground that the investigation is yet not completed and in view of the same, the condition cannot be modified.

4. Learned APP states on instructions of the officer who is present in Court today, that till date the main accused is absconding.

5. The offence alleged is one under 376 and 420 of the Indian Penal Code. The present applicants are the in-laws of the complainant.

6. Considering the fact, that the applicants have been regularly attending the Shahu Nagar Police Station on every Tuesday and Thursday as directed vide order dated 10th November, 2014, the said condition (8) is modified only to the extent, that the “applicants shall now attend the Shahu Nagar Police Station, as and when called for by the investigating officer.” The rest of the conditions imposed vide order dated 10th November, 2014, shall remain the same.

7. The application is allowed to the extent aforesaid and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)