

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 203 OF 2015

Satbir Singh Thukral

... Applicant.

V/s.

State of Maharashtra

... Respondent.

Mr. Subhash Jha a/with Rushita Jain i/by Law Global
Advocates for the Applicant.

Mrs. P. P. Bhosale, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 09th APRIL, 2015

P.C. :

1 Heard finally.

2 Heard the learned Advocate Mr. Subhash Jha for
the applicant and the learned additional public prosecutor Mrs.
Bhosale for the State.

3 The applicant is accused of the offences punishable
under sections 498-A, 494 and 323 of the Indian Penal Code.
The complainant is the wife of the applicant-accused. The
applicant-accused had applied for grant of bail under section
438 of the Cr.P.C.. Bail has been granted. The order of the
learned additional Sessions Judge reads as under :

“ ORDER

1. Ad-interim anticipatory bail stands confirmed.
2. The applicant/accused shall not leave India without prior permission of the court.
3. The applicant/accused shall furnish his permanent residential address.
4. The applicant/accused shall not change his residence without prior intimation to senior PI of concerned Police station.
5. The applicant/accused shall not directly or indirectly make any inducement, threat or pressurize any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.
6. The applicant/accused should attend the Oshiwara Police Station on every Tuesday until further orders. Inform the Oshiwara Police station accordingly.
7. Breach of any conditions by the applicant/accused shall result in cancellation of bail.”

The applicant is aggrieved of conditions no. 2 and 6 of the said order. It is submitted by the learned counsel for the applicant that the applicant is a permanent resident of Delhi. He has obtained a decree of divorce from Family Court of Mumbai. He is in the business of import and is required to travel abroad frequently. It is submitted that, therefore, the learned additional Sessions Judge should have avoided to impose condition nos. 2 and 6 on the applicant. The learned counsel submitted that there is no apprehension at all of any nature that the applicant will evade the trial. It is further submitted

that considering the nature of the accusations, the attendance of the applicant at police station on every Tuesday is uncalled for.

4 Learned public prosecutor has opposed grant of prayer on the ground that investigation is in progress. Even if the arguments of the learned additional public prosecutor are taken into consideration, the fact remains that the attendance of the applicant at police station on every Tuesday is not necessary for further investigation of the case. Condition no. 2 also appears to be onerous.

5 Therefore, condition nos. 2 and 6 imposed by the learned Sessions Court are modified as under :

Condition No.2 : Applicant shall not leave India without prior intimation to the investigation officer 48 hours advance of the time of departure.

Condition No.6 : Applicant shall attend Oshiwara Police Station as and when required by the investigating officer by a written requisition.

6 Criminal application stands disposed of in the above terms.

(JUDGE)