

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 743 OF 2015
IN
CRIMINAL BAIL APPLICATION NO. 2620 OF 2014**

Hasan Ali Mohd. Hussain & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. K. Merchant for the Applicants

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
SATURDAY, 17th OCTOBER, 2015

P.C. :

1. By this application, the applicants seek complete relaxation of the condition imposed upon the applicants vide order dated 8th January, 2015 passed by this Court (Coram : P. D. Kode, J.) in Criminal Bail Application No. 2620 of 2014. The condition of which relaxation is sought, reads as under :

“7. after release the applicant shall,

(a) not enter the area of Greater Bombay without permission of the trial Court save except only for attending the trial Court on dates fixed for case against them.”

2. Learned Counsel for the applicants states that after the said order was passed, the applicants had preferred an application being

Criminal Application No. 506 of 2015 in this Court seeking relaxation of the aforesaid condition imposed by this Court, as the applicant intended to enter the area of Greater Bombay during the Ramzan period. He submitted that this Court vide order dated 2nd July, 2015 was pleased to relax the said condition and accordingly, the applicants were permitted to enter the area of Greater Bombay during the Ramzan period. He submits that in clause (4) of the said order, this Court had observed as under :

“4) In view of this, applicants are directed to report to Paydhuni Police Station from 21/07/2015. Learned counsel also seeks liberty to renew his prayer after reverting back to the order dated 08/01/2015. Liberty is granted to renew the prayer after 4 weeks from 21/07/2015. Application stands disposed of.”

3. Learned Counsel for the applicants submits that pursuant to the liberty granted to renew the prayer for seeking complete relaxation that the present application is filed.

4. Learned Counsel for the applicants states that the applicants had complied with the direction as was imposed by this Court vide order dated 8th January, 2015 and with the condition which was imposed vide order dated 2nd July, 2015. He submits that the applicants have been

outside the area of Greater Bombay for almost more than nine months. He further submits that their father is not maintaining good health and he is finding it difficult to run the Restaurant and as such, the applicants would be required to help their father to run the Restaurant and to earn their livelihood.

5. Learned A.P.P, does not dispute the fact that the conditions have been complied with by the applicants. He stated on the instructions of the Investigating Officer, who is present in Court, that there are no antecedents *qua* the applicants.

6. Perused the papers as well as the orders passed by this Court. For the reasons set out in the application, application is allowed. Accordingly, the condition set out in Clause (a) of the order dated 8th January, 2015 is modified/relaxed completely. The applicants shall, however, attend the Pydhonie Police Station on the first Saturday of every month from 9:00 a.m. to 10:00 a.m. for a period of twelve months. They shall also attend all the dates of hearing given by the Trial Court.

7. Rest of the conditions in order dated 8th January, 2015, to remain as it is.
8. The application is accordingly allowed in the above terms.
9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.