

Anand

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

CRIMINAL APPLICATION NO.759 OF 2015
(For Modification)

IN
CRIMINAL APPLICATION NO.2597 OF 2014

Gulam Mohamed Hajrat Shaikh .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Nitin Sejpai, Advocate, for the Applicant
Mrs.R.Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.10.2015

P.C.

. Heard learned counsel for the
applicant.

2. By this application, the applicant
seeks relaxation/modification of the condition
imposed by this Court (CORAM : P.D.KODE, J.)
vide order dated 16.01.2015. The condition of
which relaxation/modification is sought reads
thus :-

"(i) stay at his Bombay address mentioned in the application and shall not leave the area of Bombay and Thane without prior permission of the Trial Court; (ii) attend the I.O. on every Monday in between 4.00 p.m. to 5.00 p.m. for a period of two months and thereafter on every first Monday of the Month until further order."

3. Learned counsel for the applicant states that the applicant is a fruit vendor and is required to take permission from the trial Court, every time, he is required to leave Bombay/Thane for his work. He states that even the condition which is imposed of attending the police station on the 1st Monday of every month may be relaxed/modified to once in three months.

4. Admittedly, the applicant is not resident of Maharashtra but is a resident of Jharkhand. The said conditions are imposed only with the sole object of securing the applicant's

presence during trial. Of late, it is seen, that it is difficult to secure the presence of the accused, if the accused is not a resident of Maharashtra. Even otherwise, vide the said condition, the applicant can travel out of Mumbai/Thane but only after seeking permission. Similarly, attendance granted is once a month. No ground is made out for relaxation/modification of the conditions.

5. The Application is rejected and is disposed of accordingly.

(REVATI MOHITE DERE, J.)