

Anand

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

CRIMINAL APPLICATION NO.681 OF 2015

Prajakta Rakesh Terse .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.N.Rajeshirke i/b. Mr.Y.Rane, Advocate, for
the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks modification/relaxation of condition Nos.2
to 4 & 8 which were imposed by the learned
Judge, Spl.Court (MPID Act), Raigad-Alibaug vide
order dated 21.01.2014. The conditions of which
modification/relaxation is sought reads thus :-

"(2) The accused shall execute relinquishment deed in favour of Administrator, Siddhivinayak Co-operative Bank and she shall relinquish her all rights, interest and title in the properties in her name favour of Administrator, Siddhivinayak Co-operative Bank and also stating that Administrator, Siddhivinayak Co-operative Bank is entitled to sell the properties by auction or otherwise in order to collect the money of loss sustained to the bank by misappropriation caused by the accused.

(3) So also the petitioner shall hand over all original papers of title to the Administrator, Siddhivinayak Bank.

(4) The petitioner shall execute relinquishment deed and hand over the original documents of the properties to Administrator, Siddhivinayak Co-operative Bank within two weeks from date of her release.

(8) If accused failed to execute relinquishment deed as directed, the bail shall be cancelled and she will be taken in custody."

3. Learned counsel for the applicant states that it was not permissible for the

learned Judge to impose the said conditions.

4. Perused the papers and the order. It appears that the said conditions were imposed by the learned Judge, in view of the Affidavit filed by the applicant stating therein, that she is ready to relinquish her rights, title and interest in his properties in favour of the Administrator. It appears that the learned Judge has not considered the bail application on merits and has passed the order only in view of the Affidavit filed by the applicant. Thus, prima facie, no fault can be found in the order. Since the said conditions have been imposed by the learned Judge pursuant to the affidavit filed by the applicant and not on merits, the applicants now cannot say that the said conditions could not have been imposed. Hence, it would be appropriate, if an application seeking modification/relaxation is filed by the

applicant before the learned Judge, Spl.Court (MPID Act), Raigad-Alibaug, who shall decide the same in accordance with law.

5. The Application stands disposed of.

(REVATI MOHITE DERE, J.)