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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2424 OF 2016
IN
CRIMINAL APPLICATION NO. 3345 OF 2014**

Ashok Phulchand Agarwal,
Age: Major, Occu: Business,
R/o. Jalna

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Officer, Jalna,
Taluka Police Station

..RESPONDENT

Mr P. S. Paranjape, Advocate for applicant;
Mr C. V. Dharurkar, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J

DATE : 14th December, 2016

ORAL ORDER :

By this application, the applicant who is accused No. 7 in Crime No. I-133 of 2013 registered at Sadar Bazar Police Station, Jalna for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 472, 473, 474, 475, 477-A, 489-A, 489-B, 489-C and 489-D of the Indian Penal Code, in which it has been stated that condition Nos. 2 and 3 in the order dated 30th July, 2014 passed by this Court in Criminal Application No. 3345 of 2014 be relaxed.

2. By condition No. 2, the applicant was directed to attend the concerned police station twice in a week on every Monday and Thursday

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between 11.00 a.m. to 2.00 p.m till the trial was over. As per condition No. 3, the applicant was directed not to dispose of any of his property and/or liquidate his fixed deposit receipts.

3. It is submitted by the learned Counsel for the applicant that the chargesheet has been filed on 31st May, 2014 and the trial is yet to commence. The prosecution intends to examine about 43 witnesses. It is therefore submitted that direction No. 2 be relaxed as attendance of the applicant twice in a week in aforesaid facts is not warranted. It is also submitted that the direction as regards not to dispose of his property or liquidate his fixed deposit receipts also deserves to be relaxed.

4. The learned Addl. Public Prosecutor does not dispute filing of the chargesheet and fact that 43 witnesses are proposed to be examined. He, however opposes relaxation of condition No. 3 that refers to disposal of property of the applicant.

5. Considering the fact that the trial has not commenced despite the chargesheet having been filed on 31st May, 2014, I am inclined to relax condition No. 2 in the order dated 31st July, 2014. Instead, the applicant shall attend the concerned police station as and when directed by the Investigating Officer.

6. Insofar as condition No. 3 is concerned, it is open for the applicant to move the learned Sessions Judge to seek relaxation of aforesaid

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condition in view of the fact that the Sessions Court is seized of the matter and it would be in a position to consider such request in the light of material on record.

7. Hence, applicant is at liberty to seek relaxation of condition No. 3 before the learned Sessions Court. If such request is made, same shall be considered by the learned Sessions Judge, on its own merits and in accordance with law.

Criminal Application is partly allowed in aforesaid terms.

[A.S. CHANDURKAR]
JUDGE

sjk