

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

**CRIMINAL APPLICATION NO. 5412 OF 2016
IN
CRIMINAL APPLICATION NO. 4649 OF 2016**

Shaikh Firozlala Shaikh Chunnumiyan Tamboli..Applicant

Versus

The State of Maharashtra

.. Respondent

Mr.S.J. Salunke, Advocate for the applicant.

Mr.S.J. Salgare, A.P.P. for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 07.10.2016

P.C. :-

1. This is an application for relaxation of condition No.3 of order dated 01.09.2016 in Criminal Application No. 4649 of 2016 imposed on the applicant while releasing him on bail. By this condition, the applicant is prohibited from entering in Jalna district till completion of investigation and filing of charge-sheet.

2. Heard learned Counsel for the applicant/accused. He pointed out an order passed by Division Bench of this Court in Criminal Application No.4497 of 2016 on 07.09.2016 and submitted that the investigation itself is stayed by the Division Bench of this Court and therefore

there is no propriety in continuing the restrictions imposed vide condition No.3.

3. Learned A.P.P. opposed the application by submitting that there is possibility of tampering evidence by the applicant, as per instructions given by the Investigating Officer.

4. While releasing the applicant on bail on 01.09.2016 in Criminal Application No.4649 of 2016, conditions were imposed and fourth condition is to the effect that the applicant should not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court. This condition takes care of apprehension of the investigator.

5. It is seen that Criminal Application No. 4497 of 2016 is filed by one Manoj Bagdiya, wherein it is prayed that the F.I.R. of the crime in question should be quashed. Prayer clause (C) in the said criminal application is to the effect that during pendency of the said application, investigation of the said crime in which the applicant has sought bail from this Court be stayed. Perusal of order dated 07.09.2016 passed by the

Division Bench of this Court (record page No.32) shows that interim relief in terms of prayer clause (C) has been granted to the applicant therein. As such, now the investigation is stayed. In the backdrop of this fact, directing the applicant now to remain away from territorial limits of Jalna district will amount to unnecessarily curtailing his liberty. In this view of the matter, as the investigation of the crime in question is stayed, condition No.3 of the order dated 01.09.2016 in Criminal Application No. 4649 of 3016 is relaxed till the interim order in Criminal Application No. 4497 of 2016 is in vogue.

6. The application is disposed of accordingly.

[A.M. BADAR, J.]