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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 134 OF 2015

Saket Vasant Haldankar

..Applicant.

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. Aniket Gawand for Applicant.

Ms. P.P. Shinde, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 18th January 2016.

P.C.

1 This is an application for relaxation of condition no.2(b) imposed upon the applicant by the Trial Court by its order dated 3rd July 2014.

2 While releasing the applicant on bail, by the said condition No.2(b) the applicant was directed not to enter in the area of Powai Police Station where victim resides till conclusion of trial. The learned Counsel for the applicant submitted that the applicant is suffering from an ailment, the medical papers of which are annexed to the present application at pages 11 to 50. He submitted that the applicant is staying alone and there is nobody to look after him. The record discloses that the ailment suffered by

the applicant is “scabies and psoriasis” was being treated by the Doctors of Raksha Hospital, Malad (W), Mumbai. There is no document on record to show the said ailment is serious in nature and the applicant is unable to move. The record further discloses that the application preferred by the applicant for modification of the said condition has been rejected by the learned Trial Court by its order dated 19.12.2014. While rejecting the application for modification the Trial Court in paragraph no.6 has observed as under:

“In particular facts of the case to avoid apprehension and embarrassment to the victim, while granting bail, special condition of not to enter in the area of Powai Police Station wherein victim reside till conclusion of trial was imposed against the applicant/accused.

3 The Trial Court after taking into consideration the evidence available on record, has made the aforesaid observations. I find that there is no error committed by the Trial Court while rejecting the application for modification of the condition.

4 In view of the above, according to me there is no necessity to modify the condition No.2(b) imposed upon the applicant while releasing him on bail. Hence, the application is rejected.

(A.S. GADKARI,J.)

