

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.256 OF 2016**

Abhijeet Deoram Gawade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Satyavrat Joshi, for the Applicant

Mr.Ajay Patil, A.P.P for the Respondent-State

Mr.Sachin Deokar, for the Original Complainant.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th MAY, 2016

P.C. :

1. Heard learned Counsel for the applicant.
2. This is an application seeking relaxation of condition no.2(b) imposed by the learned Additional Sessions Judge, Pune, below Exhibit – 1 in Criminal Bail Application No.2322 of 2015, vide order dated 4th August, 2015. The condition of which relaxation is sought reads thus :-

“2.(b) The applicant shall attend concerned police station on every Saturday between 11-00 am to 2-00 p.m., till the charge sheet is filed.”
3. Learned Counsel for the applicant submits that the applicant has been regularly attending the concerned police station from 4th August,

2015, on every Saturday between 11-00 am to 2-00 p.m., as directed by the learned Additional Sessions Judge, Pune, vide order dated 4th August, 2015. He submitted that however till date, the charge-sheet has not been filed in the present case.

4. Learned APP as well as the learned counsel for the intervener submitted that charge-sheet could not be filed in the present case as co-accused – Sonal Chandrakant Bhor has filed a writ petition in this Court, being Criminal Writ Petition No.3452 of 2015, wherein this Court vide order dated 27th October, 2015 by an interim order, had directed the Investigating Officer not to file charge-sheet, as against the petitioner - Sonal Chandrakant Bhor, till the next date.

5. Learned Counsel for the Intervener further submits that during the pendency of this application, an N.C has been lodged by the complainant as against the applicant on 7th October, 2015, alleging offences punishable under Sections 504, 506 of the Indian Penal Code.

6. Perused the papers. It appears that the applicant had

approached the Sessions Court for relaxation of the aforesaid condition imposed vide order dated 4th August, 2015 and that the learned Additional Sessions Judge, Pune was pleased to reject the said application vide order dated 20th January, 2016. It appears that in the writ petition filed by co-accused – Sonal Bhor, a direction was given to the Investigating Officer not to file charge-sheet, only qua the petitioner therein. There is no grievance that the applicant has not attended the concerned police station, as directed by the learned Additional Sessions Judge, Pune, vide order dated 4th August, 2015. The only contention of the learned APP is that the applicant is not co-operating with the investigation.

7. Be that as it may, considering the fact, that the applicant has been regularly attending the concerned police station since 4th August, 2015, the aforesaid condition directing the applicant to attend the concerned police station on every Saturday between 11-00 am to 2-00 p.m is relaxed and 'the applicant shall now attend the concerned police station, as and when called for'. The rest of the order 4th August, 2015, passed by the learned Additional Sessions Judge, Pune, below Exhibit – 1 in Criminal Bail Application No.2322 of 2015, to remain as it is.

8. The application is accordingly allowed in the above terms.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.