

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.393 OF 2015
IN
APPLICATION NO.1815 OF 2010

Shaikh Habibulla Abdul Shakur. ...Applicant.
vs.
The State of Maharashtra. ...Respondent.

Ms. K.H.Rajani for the Applicant.
Smt. S.D.Shinde, APP. for the State.
Mr.Gavane, Head Constable MSEDCL Police Station present.

CORAM : A.S.GADKARI, J.
DATE : 11th January, 2016

P.C.

This is an application for cancellation of condition imposed upon the applicant by order dated 16.4.2010 in Criminal Application No.815/201. While releasing the applicant on bail a condition that applicant will report to the Investigating Officer once a fortnight on every 1st and 3rd Monday till the disposal of the trial has been imposed.

2) The learned counsel for the applicant submits that since his release from Jail, the applicant is sincerely complying with the said condition. She further submitted that the applicant is also attending the trial court on each and every occasion without fail as has been directed by this court, by the same order. She further submitted that as of today the applicant is 65-years of age and it is very difficult for him to attend the Investigating officer due to various ailments suffered by him. The learned counsel for the

applicant has also produced before me the documents pertaining to the medical treatment being taken by the applicant. The learned APP on instructions submitted that the trial pertaining to CR No.II-1906/2010 registered with MSEDCL Police Station, Kalyan has not yet started. The learned APP further submitted that appropriate orders may be passed in the interest of justice.

3) The record discloses that since his release from Jail, the applicant is regularly attending the Investigating officer. In view of the same and the facts mentioned in the application, I am inclined to allow the present application.

Hence, the following order.

ORDER

- a) The condition of attending the Investigating Officer once in a fortnight on every 1st and 3rd Monday till the disposal of the trial is hereby canceled.
- b) The rest of the conditions imposed by order dated 16.4.2010 are not disturbed.
- c) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)