

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.838 OF 2016
(For Modification)

IN
CRIMINAL APPEAL NO.1138 OF 2015

Anwarabibi Majbul Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.Shisode, Advocate, for the Applicant

Mr.A.S.Shitole, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.08.2016

P.C.

. By this Application, the Applicant seeks modification/relaxation of the condition of the order dated 12.04.2016 passed by this Court (CORAM : ABHAY M. THIPSAY, J.) in Cri.Appln.No.1529 of 2015.

2. The condition of which modification is sought reads thus :-

"10. Pending the hearing and final disposal of the appeal, the substantive sentences imposed upon the applicant shall stand suspended, and the applicant shall be released on bail in the sum of Rs.25,000/-, with one surety in like amount, **on the condition that the applicant shall report to the trial court on every Monday till the disposal of the present appeal.**"

3. Learned counsel for the Applicant states that the Applicant has been attending the trial Court on every Monday and has annexed a copy of the roznama in support of the same. He submits that the Applicant hails from West Bengal and as such, is unable to visit her native place in view of the said condition. He submits that considering the distance, the Applicant is unable to visit her native place for any ritual function or to meet her relative as it is not possible to return within a week in view of the said condition imposed. He, therefore, seeks relaxation of the said

condition.

4. Learned APP opposed the Application. He submitted that considering the nature of offence, the said condition has been imposed.

5. Perused the papers.

6. It appears that the Applicant has been attending the concerned trial Court as directed by this Court vide order dated 12.04.2016 on every Monday.

7. Considering the peculiar facts of this case, the Application is allowed and the condition of reporting the trial Court is modified to the extent, that instead of reporting to the trial Court on every Monday till the disposal of the present appeal, the Applicant shall, now, report to the trial Court once in two months, on the 1st Monday till the

disposal of the present appeal. It is made clear, that if the trial Court is closed on the given Monday, the Applicant shall report on the next day.

8. The Application is allowed on the aforesaid terms and is disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)