

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO. 445 OF 2016

**Harry @ Harman Prakash Gill @ Mohan Pal Singh Vs. The State of
Maharashtra**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

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Mr. R.S. Bidkar for Applicant.
Ms. N.S. Jain APP for State.

CORAM : A.S. GADKARI, J.
DATE : 17th October 2016.

1) This is an application for relaxation of condition No. 1(e) imposed upon the applicant while granting him bail, by the learned 4th Additional Sessions Judge, Thane by its Order dated 22.9.2015 passed below Exhibit-1, in Criminal Bail Application No.2158 of 2015. The said condition 1(e) reads as under:

“He shall submit proof of his residence of village Meerheri, post Bhullerheri, Tal. Dhuri, Dist. Sangrur, Punjab State and Mira Road (E), Thane. He shall also submit affidavits of at least two of his relatives regarding address of accused in Punjab State and Mira Road (E), Thane.”

2) The learned counsel for the applicant submitted that as far as the proof of

his residence at village Meerheri, post Bhullerheri, Tal. Dhuri, Dist. Sangrur, Punjab State is concerned he has already submitted a copy of the ration card issued by the concerned authority at the said address, with the police. He submitted that as a matter of fact the applicant does not have any relatives in the village Meerheri as he is long back settled at Mira Road, Thane. He therefore submitted that the aforesaid condition imposed upon the applicant to submit affidavits of two of his relatives regarding his address in Punjab State may be waived. He submitted that though the applicant was directed to be released on bail by an Order dated 22.9.2015, due to said onerous condition he is still languishing in jail.

3) The present application was listed on the board, firstly on 16.8.2016 and subsequently on 26.9.2016 and 14.10.2016. The application was adjourned at the request of learned APP to take instructions. Today also the learned APP seeks adjournment to take instructions on the ground that the Investigating Officer is not present. This cannot be countenanced. The record reveals that though the applicant was directed to be released on bail by an Order dated 22.9.2015, however, till date he is languishing in jail.

4) In view of the above, that part of the aforesaid condition i.e. “to submit affidavits of two of his relatives regarding the address of the applicant in Punjab State”, is concerned, the same is hereby waived. However, the rest of the conditions imposed upon the applicant by an Order dated 22.9.2015 passed by the 4th

Additional Sessions Judge, Thane in Criminal Bail Application No.2158 of 2015 are not disturbed.

5) As the applicant is in jail for more than one year despite he was directed to be released on bail by an Order dated 22.9.2015, the applicant is permitted to submit cash bail for a period of six weeks from today and during the said period the applicant shall comply with all the other conditions of bail.

6) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)