

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.462 OF 2016

Umarjada Talejar Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Harshad Sathe i/b. Saurabh D. Butala, Advocate for the applicant.

Mr.S.H.Yadav, APP for the Respondent State.

Mr.Pramod B. Ranshete, API, D.N.Nagar Police Station is present in person.

CORAM : P.N. DESHMUKH, J

DATED : 5th AUGUST 2016

P.C. :

1 The learned counsel for the applicant has placed on record compilation of documents, copy of which is supplied to learned Additional Public Prosecutor.

2 Heard learned counsels for both sides. By this application, applicants seeks modification of condition imposed upon him by order dated 14/07/2016 passed by the Additional Sessions Judge in ABA No.760 of 2016 vide which applicant, amongst other conditions, was directed to attend concerned Police Station on Sunday and was restrained from leaving India without permission of the Sessions Court.

3 It is submitted that applicant is serving in Dubai since 2004 and staying there along with his family, but on 03/07/2016 had visited India to visit his family and was to leave on 29/07/2016, however, since his involvement was found in present crime, he could not go back. In support of above fact, applicant has placed on record documents wherefrom it is found that applicant accepted job as Senior Credit Administrator with with Union National Bank at Abu Dabhi in April 2004, which services were confirmed in May 2005. Applicant thereafter preferred another job with Commercial Banking International Company and as on date working with said Company. Certificates of his employer to that effect is also placed on record, which establish fact of applicant working as such at Dubai as on date. It is also found that applicant is staying with his family and has also placed on record the electricity and water bills.

4 The involvement of applicant in present Crime is in the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, which came to be registered on the basis of report lodged by wife of his brother. It is material to note that had applicant would have in fact in any manner instrumental in commision of this Crime, which is registered on 30/12/2015, he would have not visited India in July 2016.

5 In that view of the matter and as the learned Additional Public Prosecutor on obtaining instructions from Investigating Officer has submitted that as per order of Sessions Court, applicant has attended on Sundays for the purpose of investigation, and as no further interrogation is stated to be necessary, application is liable to be allowed as per order below:

- (i) Condition imposed upon applicant to attend Investigating Officer and to not to leave India without prior permission stands vacated.
- (ii) Applicant is further directed to attend the Court without fail on receiving intimation with regard to filing of charge-sheet, if any, against him from the Investigating Officer .

6 Parties to act upon copy of this order duly authenticated by Sheristedar of this court.

(P.N. DESHMUKH, J)