

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.205/2016 IN
CRIMINAL APPLICATION (APPLN) NO.88/2015 (DECIDED)

(Sou. Sheetal Ramesh Meshram ..vs.. State of maharashtra, through PSO P. S.
Ramnagar, Dist. Chandrapur and anr.)

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

Court's or Judge's orders.

Mr. S. O. Ahmed, Advocate for non applicant no.2
(Present Applicant)
Mr. H. D. Dubey, A.P.P. for non applicant no.1.
Mr. H. P. Lingayat, Advocate for applicant.

CORAM : A. B. CHAUDHARI, J.
DATE : FEBRUARY 17, 2016

Heard learned counsel for the parties.

This is an application for modification of the condition in the order dated 04.02.2016 by which this Court decided not to interfere with the order granting bail to the present applicant by the trial Judge but in order to protect the interest of the victim, imposed the condition that the applicant shall not enter Chandrapur city.

The learned A.P.P. pointed out that it was also ordered that the present applicant shall not apply for modification of the condition till the trial is over and, therefore, submitted that his application for relaxation/modification of that condition is not maintainable.

In support of the application, the learned counsel for the applicant has pointed out that the applicant is required to appear in the 12th standard examination conducted by the Maharashtra State Board of Secondary and Higher Secondary Education, Pune, commencing from tomorrow. In support of his contention, he has shown the Hall Ticket, which is taken on record and marked 'X' for identification. Mr.Lingayat, Advocate for the complainant has verified the said document.

Looking to the condition that was imposed, counsel for the parties were directed to take instructions as to where the applicant would reside during examination. After consultations, following address is given, where the applicant would reside during his examination and that he would not influence the victim or witnesses.

“C/o Dilip Gourkar, Near Jod mandir, Near Mata Mandir, Pathanpura, Chandrapur”

I think that offer given by the applicant to reside at some other place would be reasonable as there is no point in disturbing his educational career. I, therefore, think that the condition deserves to be relaxed only till the 12th standard examination is over. Hence, I make the following order.

ORDER

(i) Criminal Application No.205/2016 is allowed.

(ii) The applicant-Sanket @ Santosh s/o Subhash Kotkar is allowed to stay at the address given above till completion of the 12th standard examination and, thereafter shall remove himself from the city of Chandarpur.

JUDGE

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