

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO.183 OF 2016
IN CRIMINAL WRIT PETITION NO.70 OF 2016

(Lokesh @ Kallu s/o Sunderlal Yadav vs. The State of Maharashtra)

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

Shri R.M. Daga, Advocate for applicant.

Shri S. Sirpurkar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 21, 2016

This is an application for relaxation of condition no. iv imposed upon applicant by this Court vide its order dated 2/2/2016 whereby applicant is restrained from entering into Gondia District except for attending trial till its conclusion.

Shri Daga, learned Counsel for applicant, submits that applicant was granted bail under Section 167(2) of the Code of Criminal Procedure and was imposed aforesaid condition. It is submitted that applicant is an elected Member of Gondia Municipal Council since 2011 and is now desirous to contest forthcoming elections of said Municipal Council, which are scheduled to be held on 8/1/2017. It is contended that process of filing nomination form for the said elections would commence from 3/12/2016. The learned Counsel has thus prayed that as applicant intends to contest said elections, condition imposed as aforesaid be relaxed till 15/1/2017.

Shri Sirpurkar, learned Additional Public Prosecutor for respondent, has opposed the application.

When application was considered for grant of bail, provisions of Maharashtra Control of Organized Crimes Act were made applicable. Today, admittedly charge-sheet is filed against applicant wherein no provisions of MCOCA are applied. In these circumstances and having considered documents filed in support of the application, particularly the certificate issued by the State Election Commission, which reveals that applicant is an elected member of Gondia Municipal Council since 2011 and as State Election Commission has notified the election programme for such elections to be held in December 2016/January 2017, the application is liable to be allowed by imposing conditions upon applicant as per order below :

Condition no. iv imposed upon applicant by this Court by order dated 2/2/2016 directing him not to enter Gondia District stands relaxed till 10/1/2017. If applicant chooses to remain there throughout aforesaid period, he shall mark his presence with Gondia City Police Station on every alternate day between 12 noon and 1 p.m. The application is disposed of.

JUDGE

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