

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

CRIMINAL APPLICATION (APPW) NO.203 OF 2016

IN

CRIMINAL WRIT PETITION NO.70 OF 2016(D)

(Chhatarshal @ Banti s/o Mohan Banewar ..vs.. The State of Maharashtra, through its PSO, PS Gondia
(City), Gondia)

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

Court's or Judge's orders

Shri R.M. Daga, Advocate for the applicant,
Shri A.V. Palshikar, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 01-12-2016

Heard learned Counsel for both the parties.

This is an application for relaxation of condition No.iv imposed upon applicant by this Court vide its order dated 02-02-2006 whereby applicant is restrained from entering into Gondia District except for attending trial till its completion.

Shri R.M. Daga, learned Counsel for the 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 the applicant is desirous to contest forthcoming elections of said Municipal Council, Gondia, which are scheduled to be held on 08-01-2017. It is contended that process of filing nomination form for the said elections would

commence from 03-12-2016. The learned Counsel has thus prayed that as applicant intends to contest said elections, condition imposed as aforesaid be relaxed till 15-01-2017.

Shri A.V. Palshikar, learned Additional Public Prosecutor for non-applicant has opposed the application.

Perused the record. It is found that when the application was considered for grant of bail, provisions of Maharashtra Control of Organised Crimes Act were made applicable, however, charge-sheet is filed against applicant without applying provisions of MCOCA Act. In these circumstances, and having considered documents filed in support of the application, 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 02-02-2016 directing him not to enter Gondia District stand relaxed till 10-01-2017. If applicant chooses to remain there throughout aforesaid period, he shall mark his presence with Gondia City Police Station on every alternative day between 12-00 noon and 1-00 p.m. The application is disposed of as

allowed in above terms.

JUDGE

adgokar