

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1700 OF 2017

VIJAY S/O. SRIPAL JAIN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. K. T. Shirurkar h/f Mr. S.R. Kolhare
APP for Respondent: Mr. A.A. Jagatkar
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CORAM : V. K. JADHAV, J.
DATED : 10th AUGUST, 2017

PER COURT:-

1. Learned counsel for the applicant submits that on the basis of the special audit report submitted on 1.4.2015, the Chief Executive Officer of Kamalnayan Bajaj Hospital, Aurangabad had lodged complaint against only four accused persons on 3.11.2016 and not against the present applicant. However, the present applicant apprehends his arrest at the hands of police and thus filed criminal bail application No. 2198 of 2016 in the Sessions Court, Aurangabad for grant of pre-arrest bail. The learned Additional Sessions Judge-4, Aurangabad, by order dated 20.12.2016 has granted pre-arrest bail to the applicant with certain conditions. As per the said condition, the applicant has been directed to attend the concerned police station in between 10.00 to 12.00 p.m. every day and co-operate in the investigation in respect of the aforesaid crime.

2. Learned counsel for the applicant submits that thereafter, the

applicant has filed M.A. No. 39 of 2017 for relaxation of the said condition of attending the police station daily. However, by order dated 18.3.2017, the learned Additional Sessions Judge-4, Aurangabad has rejected the said application. Learned counsel submits that the application is rejected mainly on the ground that investigation is yet to be completed. The special audit report was submitted way back in the year 2015 and complaint was lodged on 3.11.2016. No charge sheet is submitted till today. Those four accused person are still in jail. Since the court has directed that said condition shall continue till filing of charge sheet, the applicant is attending the police station daily. Learned counsel submits that the applicant now finds it very difficult to attend the police station for such long period.

3. In view of above circumstances, I do not think that such condition of attending the police station daily is reasonable. Thus, I am inclined to modify the order passed by the learned Session Judge, Aurangabad. The applicant shall attend the concerned police station on every Sunday between 9.00 a.m. to 11.00 a.m. for two months from today or till filing of the charge sheet, whichever is earlier.

4. The criminal application is accordingly disposed of.

(V. K. JADHAV, J.)