

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.190 OF 2017

IN

CRIMINAL APPLICATION NO.1488 OF 2015

IQBAL RAHMATALI JAHAGIRDAR)...APPLICANT

V/s.

STATE OF MAHARASHTRA)...RESPONDENT

Mr.Omprakash Dubey, Advocate for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 15th FEBRUARY 2017.

P.C. :

1 This is an application for relaxation of condition imposed on the applicant / accused while releasing him on bail vide order dated 2nd February 2016 in Criminal Application No.1488 of 2015.

2 Heard the learned advocate appearing for the applicant / accused. He argued that this applicant, who is accused

no.2 is directed to report Bandra Police Station on every Sunday till disposal of the appeal, whereas, other accused persons who are released on bail are directed to attend the trial court, and that too, once in two months. Therefore, according to the learned advocate appearing for the applicant, condition of attendance needs to be modified, so as to make it at par with that of other accused persons.

3 I have considered the submission so advanced and also perused the order dated 2nd February 2016 passed by my learned predecessor, apart from the impugned judgment and order dated 5th October 2015 passed by the learned trial court. According to the prosecution case, accused persons had thrown acid on prosecution witnesses and attempted to commit their murder. Accordingly, accused nos.1 to 3 were convicted for the offence punishable under Section 307 read with Section 34 of the IPC and they are sentenced to suffer rigorous imprisonment for 10 years. This court, while passing the order on 2nd February 2016, found case of applicant / accused no.2 as fit for grant of bail, but

considering the nature of allegations against him, it is seen that he is directed to attend Bandra Police Station on every Sunday, till disposal of the appeal.

4 I see no reason to vary this condition, considering the nature of allegations and the fact that those are held to be proved by the trial court.

Hence the application is rejected.

(A. M. BADAR, J.)