

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL MISC. APPLICATION NO. 357 OF 2017
IN
CRIMINAL MISC. APPLICATION NO. 250 OF 2017
IN
CRIMINAL BAIL APPLICATION NO. 2167 OF 2016

Mr. Faizal Wadgama	i	...	Applicant
Vs.			
The State of Maharashtra		...	Respondent

Mr. A.R.Bubere i/b. Mr. Rajendra Rathod for the Applicant.
Mr. S.H.Yadav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 27th July, 2017.

P.C.

This is an application seeking relaxation of condition. The applicant herein has been enlarged on bail vide order dated 23.2.2017 in Crime No.48 of 2015 registered with D.C.B. C.I.D., Mumbai for the offences punishable under Sections 387 read with Sections 34 and 120B, 465, 471 of the Indian Penal Code read with Section 3(1)(i)(ii), 3(2), 3 (4) of Maharashtra Control of Organized Crime Act, 1999.

2. This Court had perused the records and had observed that on 6.7.2016, when the applicant was produced before the Special Court, he had filed an application thereby demonstrating before the Special Court that he is suffering from Paranoid Schizophrenia. Therefore the learned Special Judge had directed the Jail authorities to refer him to the J.J.Hospital and

file a report. The Psychiatric Department of J.J.Hospital which consists of mental health experts and clinical psychologists, had examined the accused and a report was filed before the Special Court on 13.7.2016, thereby certifying that the accused is suffering from Schizophrenia currently. This Court had considered the merits of the matter, more particularly the provisions of Section 167 sub-clause (2) of Cr.P.C. and had directed the applicant to be enlarged on bail.

3. This Court had directed the applicant to report to the concerned police station on every Monday and Friday between 10.30 a.m. to 1.00 p.m. till the conclusion of the trial and had further directed that upon failure to attend any two consecutive dates before the police station, the prosecution would be at liberty to file an application under Section 439(2) of the Code of Criminal Procedure, 1973.

4. It is not the case of the State that the applicant has committed any breach of conditions imposed by this Court. He has reported to the police station regularly till today.

5. It is submitted by the learned Advocate for the applicant that the applicant is suffering from severe head ache at times and it is difficult for him to attend the police station on Monday and Friday between 10.30

a.m. to 1.00 p.m. That the applicant is on constant medical treatment and has to be admitted in the hospital. It is in these circumstances that he has prayed for relaxation of condition.

6. Taking into consideration the health of the applicant, this Court is of the opinion that the order deserves to be modified. The applicant shall report to the concerned police station on first Sunday of each month till the framing of charge and thereafter report to the Special Court on the stipulated dates.

7. The Application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S.JADHAV, J.)