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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL APPLICATION NO.391 OF 2015
IN
CRIMINAL BAIL APPLICATION NO.2288 OF 2014***

Jitendra Parbat Baraiya

...Applicant

Versus

The Union of India, Union Territory
of Daman & Diu.

...Respondent

Mr.Swapnil Wagh i/b Mr.Rizwan Merchant & Associates, for the Applicant.

Ms.P.H.Kantharia, Special P.P., for Respondent No.1.

Mr.S.R.Agarkar, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks relaxation of the condition imposed by this Court (Coram: P.D.Kode,,J.) vide order dated 16th December, 2014, passed in Bail Application No.2288 of 2014. The condition of which modification/relaxation is sought reads as under :-

“8. The applicant is hereby released on bail on furnishing P. R. Bond in sum of Rs.1 lac (One Lac) with one or two sureties to make like amount subject to the conditions of the applicant,

i) staying at the address mentioned in the application and shall not leave the jurisdiction of trial Court without permission of the Court.” (emphasis supplied)

3. Learned Counsel for the applicant states that pursuant to the order dated 16th December, 2014, passed in Bail Application No.2288 of 2014, the applicant has been seeking permission of the trial Court, whenever he has left the jurisdiction of the trial Court. He submitted that the applicant has complied with the aforesaid condition, for almost 3 years and as such the said condition be modified/relaxed.

4. Learned Special Public Prosecutor states that the charge has been framed and that the trial is likely to commence soon.

5. Perused the papers. Vide order dated 16th December, 2014, passed in Bail Application No.2288 of 2014, the applicant was enlarged on bail on certain conditions, including condition 8(i). The applicant has surrendered the passport to the Investigating Officer, who has handed over

the same to the learned trial Judge. It appears that the applicant has abided by the said condition, since 2014, till date.

6. Learned Counsel for the applicant states that the applicant is ready to attend the trial Court on every date of hearing and will co-operate with the trial, even after the said condition is relaxed. He states that the applicant will not delay the trial. The said statement is accepted.

7. Considering the aforesaid, the application is allowed. The aforesaid condition i.e. 8(i) imposed vide order dated 16th December, 2014, passed in Bail Application No.2288 of 2014 is relaxed. The applicant shall now, not be required to take the permission of the trial Court, before leaving the jurisdiction of the trial Court. The applicant shall, however, take permission of the trial Court, before leaving India.

8. As far as return of the passport is concerned, the applicant is at liberty to file an application before the trial Court for return of the passport and the learned Judge shall pass appropriate orders, after hearing the learned Special Public Prosecutor.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)