

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.519 OF 2017
IN
BAIL APPLICATION NO.2589 OF 2016

Sohel Islam Khan	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Sushil Upadhyay i/by A.M.Saraogi for Applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 27th June 2017

PC :

1. This is an application seeking modification of order dated 1st March 2017 passed by this Court in Bail Application No.2589 of 2016.
2. The Applicant was enlarged on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties. It was further directed that the Applicant shall not visit or reside in Ganesh Nagar of Kandivali area till conclusion of trial.
3. While granting bail it was observed that the Applicant had not shared any common intention with Asfaque Khan and Imtiaz Khan who had caused vital injuries to the deceased.
4. Learned advocate for Applicant submits that the Applicant is a student and seeking admission for further studies in commerce. It is

submitted that he has applied for admission to first year of B.Com. degree course. It is submitted that in order to pursue his studies, he would like to stay with his parents at the residential premises which are situated in Ganesh Nagar area.

5. The co-accused Imtiaz Khan was granted bail by Sessions Court on certain conditions. However, there is no condition of not to enter into Ganesh Nagar area. No doubt, condition was imposed by this Court while granting bail considering the seriousness of the offence and the fact that witnesses are residing in the neighbouring area.

6. Learned APP opposed the application on the ground that the Applicant would tamper with the evidence if he is allowed to enter Ganesh Nagar. He submitted that the condition was imposed considering the nature of offence committed by the Applicant and also considering the fact that the witnesses are the neighbours of applicant.

7. It is true that in the aforesaid circumstances the said condition was imposed. However, considering the fact that the Applicant is a student and intends to pursue his studies, the said condition can be relaxed and additional condition can be imposed to report police station. Hence, I pass following order :

ORDER

(i) Condition No.3 imposed in order dated 1st March 2017 passed in Bail Application No.2589 of 2016 is relaxed, and Applicant is

permitted to reside with his parents at his residential premises situated in Ganesh Nagar, Kandivali. However, the Applicant is directed to report Kandivali Police Station once in a week on every Friday between 5.00 p.m. and 7.00 p.m. till further orders;

(ii) The Applicant shall not tamper with the evidence and the witnesses;

(iii) The application stands disposed of.

(PRAKASH D. NAIK, J.)

MST