

ansc.

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

CRIMINAL APPLICATION NO.448 OF 2017

Abhijit Prasad Pendharkar and Ors.	...Applicants
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.A.A.Joshi i/b Mr.R.V.Shahasane, for the Applicants.

Ms.Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 14th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek relaxation of the condition of daily attendance to Bangur Nagar Police Station, as directed by the learned Additional Sessions Judge, vide order dated 7th July, 2017.

3. Learned Counsel for the applicants states that the applicants have been prosecuted for an offence punishable under Section 498A r/w 34 of the Indian Penal Code. He submitted that the applicants were granted interim protection on 7th July, 2017. He submitted that as per the said order dated 7th July, 2017, the applicants were directed to attend the Bangur Nagar Police Station, daily between 6.00 p.m. to 8.00 p.m., till 12th July, 2017. He submitted that the applicants have complied with the said condition. He further submits that in a case of Section 498A, daily attendance was not warranted. He submitted that the Main Application is pending before the learned Judge and the possibility of the same being heard on the next date i.e. 18th August, 2017, also appears to be bleak. He submitted that the condition of attendance be relaxed.

4. Learned APP does not dispute the fact that the applicants have attended the Bangur Nagar Police Station, as directed by the learned Additional Sessions Judge.

5. Perused the papers. The applicants are facing prosecution under Section 498A. The learned Additional Sessions Judge while granting interim protection to the applicants, has directed the applicants to report to the Bangur Nagar Police Station, daily between 6.00 p.m. to 8.00 p.m. It is not in dispute that the applicants have complied with the order of attendance, till date.

6. Normally no interference is warranted, however, in the peculiar facts of this case, considering the fact that the applicants have been attending the Bangur Nagar Police Station, daily for more than a month, further attendance of the applicants is not required.

7. Accordingly, the application is allowed. The aforesaid condition of attendance imposed by the learned Additional Sessions Judge vide order dated 7th July, 2017, is modified. The applicants shall now, attend the concerned Police Station, as and when called for, till their main Application is finally decided, by the learned Additional Sessions Judge.

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

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

(REVATI MOHITE DERE, J.)