

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.902 OF 2017
IN
BAIL APPLICATION NO.193 OF 2016

Hyacinth Ocianik Uzoigwe ... Applicant.

Versus

The State of Maharashtra ... Respondent

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Mr.Dilip Mishra for the applicant

Mr.S.S.Hulke, APP for the State.

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CORAM: A.M.BADAR, J.

DATE: 5th October, 2017

PC:-

1. This is an application for relaxation of condition of attending police station imposed on the applicant/accused while releasing him on bail vide order dated 28th July, 2016 passed in Criminal Bail Application No.193 of 2016. By this order, the applicant is directed to mark his presence with Anti Narcotics Cell thrice a week i.e on Monday, Wednesday and Saturday between 1.00 p.m. to 2.00 p.m.

2. Heard the learned advocate appearing for the applicant. He submitted that the applicant requires to undergo an eye surgery and therefore, condition of marking attendance with Anti Narcotics Cell be relaxed for a period of one month. The learned advocate for the applicant prays in service certificate issued by Lotus Eye hospital, Mumbai as well as medical reports annexed to the application.

3. The learned APP opposed the application by contending that the investigating officer has recorded statement of the Doctor, who has stated that in three days such patient is discharged and the patient can resume his day to day activities. Therefore, according to the learned APP condition may be relaxed for 5 or 6 days.

4. I have considered the submissions so advanced. Undisputedly, the applicant has complied the condition of marking attendance with Anti Narcotics Cell right from 28th

July, 2016. There is no lapse on his part. It is seen that the applicant wants to undergo eye surgery. Though he may resume his routine activities within a period of three days after the surgery, asking him to come to Anti Narcotics Cell by undertaking travel to that office thrice a week after undergoing surgery will be unhuman to him in the light of the fact that he has complied with the said condition since inception. Ultimately, for recovering the patient, rest is required. Therefore, the following order:-

ORDER

- (i) Application is allowed.
- (ii) Condition of marking the attendance thrice a week with Anti Narcotics Cell is relaxed for the period from 7th October till 6th November, 2017.
- (iii) The application is disposed of accordingly.

(A.M. BADAR, J)