

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

CRIMINAL APPLICATION NO.621 OF 2016

Okoye Cyprain Chinnasa Applicant

versus

State of Maharashtra ... Respondent

.....

- Mr.Rajendra S. Bidkar, Advocate for the Applicant.
- Mr.Arfa Sait, APP for the State/Respondent.

CORAM : A.S.GADKARI, J.
DATE : 13th APRIL, 2017.

P.C. :

1. This is an application for relaxation of condition No.3 imposed upon the applicant while releasing him on bail passed by District Judge-5 and Additional Sessions Judge, Thane, below Ex.3 by its order dated 27/06/2016.

2. The said condition reads as under :

“Accused is directed to produce address proof, photo identity and copy of passport before this court.”

3. The record reveals that, as the applicant was unable to

produce the address proof, he moved an application below Ex.6 before the trial Court for relaxation of the said condition. The learned trial Court by its order dated 16/07/2016 has rejected the said request by observing that “If the applicant has claimed that he was residing at Nalasopara he can very well produce the said proof before his release itself. Having regards to these facts condition in respect of address proof in my opinion cannot be relaxed.”

4. The learned counsel for the applicant submitted that as the applicant is inside jail, it is difficult for him to secure residential premises and to provide residential address to the Trial Court. He submitted that the applicant may be permitted to submit the residential address of his friend, where he intends to reside after releasing him from jail.

5. In view of the above, the applicant is permitted to file a fresh application for relaxation of condition, thereby requesting to the trial Court to provide the address of his friend, provided further that the said friend is having an agreement for leave and license in his own name for a period of at least three years.

6. The trial Court is hereby directed to verify the genuineness of the said documents through the police machinery and thereafter decide the said application on its own merits.
7. The present application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)