

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 585 OF 2017
IN CRIMINAL APPLICATION (BA) NO.42 OF 2017
(Girish s/o Lakhanlal Agnihotri vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Ms. Zeba Khanam, Advocate h/f Shri F. Mirza, Advocate
for applicant.

Shri S. Sirpurkar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : SEPTEMBER 13, 2017

Ms. Zeba Khanam, learned Counsel for
applicant, submits that in spite of attempts made, she
could not communicate with applicant to obtain
documents establishing his nature of business.

Shri Sirpurkar, learned Additional Public
Prosecutor for respondent, submits that as per
instructions received from the Investigating Officer, in all
seven witnesses are examined till today, out of which
five witnesses turned hostile and seventeen witnesses are
yet to be examined.

Ms. Zeba Khanam, learned Counsel for
applicant, however, has no objection to proceed with the
application.

Heard Ms. Zeba Khanam, learned Counsel
for applicant, and Shri Sirpurkar, learned Additional
Public Prosecutor for respondent.

The main ground put forth for relaxation of condition imposed upon applicant by order dated 3/2/2017 is that applicant is suffering from various diseases, such as high blood pressure, acidity, migraine, hypertension and viral fever, for which he is required to take medical treatment and though applicant being a businessman, his presence in Wardha city is necessary, due to condition imposed not to enter within the territorial limits of Wardha city by this Court, he is unable to attend his office for last more than four months. Other grounds put forth are ill health of mother of applicant and that besides Sessions case, out of which present application arises, applicant is required to remain present before concerned Court of Magistrate at Wardha in Regular Criminal Case Nos. 92/2016 and other case arising out of Crime No.84/2015, which are pending against him.

From the order dated 3/2/2017 passed by this Court, it is revealed that having considered involvement of applicant in the crime, on being released on bail, applicant is restrained from entering into territorial limits of Wardha city pending trial. Though learned Counsel for applicant on the earlier date had made a statement that all the witnesses in the trial are examined and they have not supported the case of prosecution, learned Additional Public Prosecutor on instructions from the Investigating Officer has submitted that seventeen more witnesses are yet to be examined. Moreover, as per say of prosecution, applicant is involved in heinous crime of murder and he is an

influential person in the city of Wardha having criminal record to his credit as apart from the present crime and the crimes, which are mentioned in the aforesaid para, he is also facing trial in Crime No.149/2015 registered for the offences punishable under Sections 143, 147, 149 and 367 of Indian Penal Code.

It is material to note that in spite of time granted to applicant to place on record documents with regard to nature of business alleged to be carried out by him in Wardha, nothing is placed on record. On the contrary, from the record, it is revealed that applicant is involved in money lending business in Wardha and he is maintaining gang of criminals for the purpose of recovery of money lent by him. In the absence of any other evidence on this aspect since not filed by applicant, there is nothing to disbelieve the case of prosecution.

Similarly, to a specific query put forth to learned Counsel for applicant, it is admitted that no documents are filed with the application to establish ill health of applicant.

On considering facts as aforesaid, application is devoid of merits and hence, the same is dismissed.

Applicant since is allowed to enter the limits of city of Wardha for attending trial Court on the dates fixed for trial, he is further allowed to enter city of Wardha to attend the learned Courts seized with Regular Criminal Case No. 92/2016 and criminal case arising out of Crime No. 84/2015, under intimation to the concerned Police Station where applicant is already

directed to mark his presence.

JUDGE

khj