

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.709 OF 2017

Humayu Israel Ali, Social Worker, Chandrapur

-vs-

State of Maharashtra, Thr. PSO, PS Ramnagar, Chandrapur

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

Court's or Judge's Orders.

Shri M. N. Ali, Advocate for applicant.

Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 22, 2017

By this application filed under Section 482 of the Code of Criminal Procedure, 1973 the applicant seeks modification of condition No.4 that was imposed by the learned Additional Sessions Judge, Chandrapur while enlarging the applicant on bail. By said condition the applicant was prevented from entering the jurisdiction of Chandrapur district till completion of the trial.

It is submitted on behalf of the applicant that a report in question under which the applicant was arrested is an outcome of dispute between the informant and the applicant. The applicant herein had made complaint against the husband of the informant and hence to counter the same, the present report came to be filed. It is further submitted that the condition of not entering the district is harsh and causes prejudice to the applicant. The applicant has not violated any of the other conditions imposed and hence this condition

deserves to be relaxed.

Though the application was moved before the Sessions Court, the same was rejected without any justifiable reasons.

The application is opposed by the learned Additional Public Prosecutor by relying upon reply. It is stated that there is grave apprehension that relaxation of such condition would result in violation in peace and tranquility. There is further likelihood of witnesses being influenced. He has relied upon communication dated 28/09/2017 by Sub-divisional Police Officer, Chandrapur in that regard.

After hearing the respective counsel and after perusing the documents on record, I find that the incident in question has arisen on 23/07/2017 when the applicant is alleged to have entered the house of the informant and threatened as well as assaulted her. While enlarging the applicant on bail, the learned Judge of the Sessions Court took into consideration the fact that the applicant as well as the complainant and her relative were residing in adjacent locality. To prevent the witnesses being influenced this condition came to be imposed. However considering the nature of the allegations, I find that this condition of not entering the district is slightly harsh. Instead the same can be modified to prevent the applicant from entering the

Corporation limits of the city of Chandrapur.

Accordingly the following order is passed :

Order dated 17/08/2017 passed by the learned Additional Sessions Judge, Chandrapur on the bail application of the applicant is partly modified. Condition No.4 as imposed shall read that the applicant/accused shall not enter the Corporation limits of city of Chandrapur till completion of trial.

Application is disposed of.

JUDGE