

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

CRIMINAL APPLICATION (APPP) NO.1772/2017
IN
CRIMINAL APPLICATION (BA) NO.330/2017

Bacholi S/o Sihambar Batho
..Vs..
State of Maharashtra, through P.S.O. Ram Nagar, Chandrapur, Distt.
Chandrapur

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

Court's or Judge's orders

Shri Mahesh Rai, Advocate for the applicant.
Shri N.R. Patil, A.P.P. for the non-applicant / State.

CORAM : Z.A. HAQ, J.

DATE : 10.11.2017.

By order dated 19th June, 2017 this Court directed that the applicant be released on bail, however, on conditions as mentioned in the order. One of the condition was that the applicant shall not enter Chandrapur district till the trial concludes, except for attending the trial before the Sessions Court.

This application is filed for relaxation of the above condition. The application is filed on 31st October, 2017 seeking relaxation of condition, on various grounds, however, I am not convinced that the reasons given in the application are sufficient to relax the condition. An affidavit sworn by son of the applicant

on 2nd November, 2017 is filed stating that after the Criminal Application (APPP) No.1772/2017 is filed, on the same day i.e. on 31st October, 2017 the applicant suffered heart-attack and was hospitalized. The documents to support the submission are placed on record.

The learned A.P.P. has opposed the application on the ground that the applicant is availing treatment at a hospital at Nagpur and, therefore, there is no need of relaxing the condition that he will not enter Chandrapur district till the trial concludes.

The house of the applicant is in Chandrapur. The family members of the applicant are at Chandrapur. Accepting the submission made on behalf of the applicant that he has suffered heart attack, I am satisfied that the applicant has made out a case for relaxation of condition.

Hence, the following order:

The condition imposed by the order dated 19th June, 2017 that the applicant shall not enter Chandrapur district till the trial concludes, is relaxed. The criminal application is **allowed** accordingly.

JUDGE