

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.174 OF 2016

IN

CRIMINAL APPEAL NO.894 OF 2012

Umesh Uttam Parab	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

.....

Ms.Ayesha M. Pinto i/b.Mr.Yashodhan Gavankar for the applicant.
Mr.S.V.Gavand, APP for the respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 22nd FEBRUARY 2018.

P.C. :

1. This is an application for modification of condition imposed by this court vide order dated 18th June 2013 passed in Criminal Application No.1313 of 2012 while suspending the sentence and releasing the applicant on bail during the pendency of appeal filed by him.

2. Heard learned Advocate appearing for the applicant as well as the learned APP.

3. By order dated 18th June, 2013 passed in Criminal Application No.1313 of 2012 while releasing the applicant on bail, this Court had directed the applicant to report to the Court of Sessions at Sindhudurg

once in six months and on the date give by the Sessions Court and further directed that on failure to attend as directed on two subsequent dates, the bail shall be cancelled.

4. By this application, the applicant is seeking relaxation of this condition by contending that he is suffering financially because he is required to attend Court of Sessions at Sindhudurg from his native place. Further, it is mentioned that the appeal has challenged conviction for the offences punishable under section 498(A) of IPC. The wife of the applicant has already sought for divorce and the marriage is now dissolved by decree of divorce.

5. Considering the fact that the applicant is resident of Village Nhaveli and he is required to attend Sessions Court at Sindhudurg under the direction of this Court as well as the fact that now even marriage of the applicant with the first informant is dissolved by decree of divorce, there is no propriety in continuing condition no.(iii) of the order dated 18th June, 2013 passed in Criminal Application No.1313 of 2012.

6. Application is therefore allowed. Condition No.(iii) in order dated 18th June 2013 passed in Criminal Application No.1313 of 2012 stands deleted.

7. Application is disposed of accordingly.

(A.M.BADAR J.)