

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 174 OF 2018

Ashok Keshavlal Kesharia & Anr ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. C. K. Pendse, for the applicant.

Ms. A. A. Takalkar, APP for the State.

Mr. Narendra Patil, PSI, Pydhonie Police Station.

CORAM: A. S. GADKARI, J

DATED: 14th JUNE, 2018

PC:-

1. This is an application for relaxation of conditions imposed upon the applicants while releasing them on bail by the learned Additional Sessions Judge, Greater Mumbai, by its order dated 1st September, 2017 passed in Bail Application No. 1346 of 2017, as well as modified by the concerned Court by its Order dated 1st November, 2017.

While releasing the applicants on bail by an Order dated 1st September, 2017, the learned Additional Sessions Judge had imposed conditions Nos. (c) and (e), which read as under:-

“(c) That applicants shall make themselves available for interrogation by a police officer as and when required under written intimation until further orders;

(e) That applicants shall not leave Mumbai without prior permission of the Court.”

On an application bearing Miscellaneous Application No.1824 of 2017 preferred by the applicants, the learned Additional Sessions Judge modified the said condition by its order dated 1st November, 2017. The modified conditions read as under:-

“Condition No.(b) Applicants shall attend the Pydhonie Police Station once in a month on any Monday between 11.00 a.m. to 2.00 p.m.

Condition No.(e) Applicants shall not leave India without prior permission of the Court.”

2. The record indicates that the investigation of the present crime is already completed and the police have filed the charge-sheet. In view thereof, the applicants need not further attend the investigating officer or the concerned police station for the purpose of investigation, and

therefore the condition No.(c) imposed upon the applicants by order dated 1st September, 2017 and further modified by order dated 1st November, 2017, is hereby waived.

As far as condition No.(e) is concerned, I do not find it necessary to further modify the same. The applicants can prefer an application before the concerned Court for seeking permission to leave India if they so desire.

3. The learned Counsel for the applicants submitted that in pursuance of clause (e) of Order dated 1st September, 2017, the applicants have deposited their passport with the concerned police station and the same may be released. As far as return of passport is concerned, the applicants are at liberty to file an appropriate application before the concerned Court. The concerned Court after considering the facts of the present case may pass appropriate orders on merits in that behalf.

4. Application is disposed off in aforesaid terms.

[A. S. GADKARI, J.]