

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.977 OF 2018

IN

CRIMINAL APPEAL NO.257 OF 2018

HINDURAO VITTHAL BARGE

)...APPELLANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Mr.Rajendra Raghuvanshi I/b. Kranti Hiwrale, Advocate for the Applicant.

Mr.Santosh Sajkar, Advocate for Respondent No.2.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th SEPTEMBER 2018

P.C. :

1 This is an application for modification of condition of the interim order dated 14th March 2018 passed in Criminal Appeal No.257 of 2018. While granting ad-interim anticipatory bail to the applicant, who happens to be an advocate by

profession, this court had directed that the applicant shall not leave the jurisdiction of Khargar Police Station, District Raigad, without prior permission of the court.

2 Heard the learned counsel appearing for the applicant/accused. He argued that as the applicant/accused is an advocate by profession, he needs to attend each and every court where his matters are pending, compelling him to seek permission on each occasion from this court, literally depriving him of his livelihood. Therefore, this condition needs to be relaxed.

3 The learned APP submits that suitable order be passed.

4 The learned Advocate appearing for the respondent no.2 / First Informant submits that the applicant/accused is an advocate by profession and therefore, he must seek permission from this court on each and every occasion for leaving the jurisdiction of Kharghar Police station, District Raigad.

5 I am of the considered view that the condition so imposed as no nexus with the alleged offence and comparative hardship which may cause to the applicant/accused by adhering to this condition would be much more than securing the interest of the prosecution. This condition is affecting the livelihood of the applicant/accused, and therefore the following order :

ORDER

- i) The application is allowed.
- ii) The condition so imposed stands deleted.
- iii) The application is accordingly disposed of.

(A. M. BADAR, J.)

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Khatate

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