

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.489 OF 2018

Nitesh Shrigovind Sharma

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.V.Marwadi I/by Trupti Khamkar for applicant.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 5th October 2018

PC :

1. This is an application for relaxation of condition imposed by the Sessions Court by order dated 14th September 2017. The applicant was arrested in connection with CR No.569 of 2017 registered with Amboli Police Station for offences under Sections 354-D, 452, 511 of IPC. While granting bail the learned Sessions Judge has directed the applicant to attend Amboli Police Station on every first Saturday of every month between 11.30 am to 2.30 pm till conclusion of trial.

2. It is submitted that the applicant is the permanent resident of Punjab. It is submitted that charge sheet also mentions the permanent address of applicant. Learned counsel produces aadhar card of applicant which shows permanent address of applicant from Punjab. It is submitted that the applicant has complied the directions of Sessions Court and attended the police station after his release pursuant to the order dated 14th September 2017. The charge sheet has been filed against the applicant. He is attending the Trial Court on the date of hearing of the case. It is submitted that the applicant

was residing with his sister at the relevant time and he is permanently residing at Punjab along with his family. In the circumstances it is not possible for him to report Amboli Police Station as directed by the Sessions Court. The applicant had preferred application before the Sessions Court for relaxation of said condition. Those applications were rejected by orders dated 15-5-2018 and 23-7-2018.

3. Taking into consideration the fact that the applicant has complied the direction of attendance pursuant to the order granting bail and since applicant is resident of Punjab, the condition of attendance can be relaxed. However, applicant shall attend the Trial Court regularly on the date of hearing unless exempted by the Trial Court for some reason. Considering the aforesaid aspect, I pass following order :

ORDER

- (i) The order dated 14th September 2017 passed by Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi in Bail Application No.567 of 2017 is modified and condition to attend Amboli Police Station on every first Saturday of every month till conclusion of trial is relaxed/deleted;
- (ii) The applicant shall attend Trial Court regularly on the date of hearing of case, unless exempted by the Trial Court for some reason;
- (iii) Criminal Application No.489 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)