

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO.568/2018 IN
CRIMINAL APPLICATION (ABA) NO.627/2017

Vijay s/o Namdeobapu Khedikar ..vs.. State of Maharashtra through PSO
P.S. Ramnagar, Chandrapur and anr.

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

Court's or Judge's orders.

Mr. S. P. Palshikar, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : APRIL 24, 2018

1. Heard Mr. S. P. Palshikar, Advocate for applicant and Mr. T. A. Mirza, A.P.P. for non applicant-State.
2. This is an application for relaxation of the condition.
3. The applicant was apprehending his arrest in connection with Crime No.1233/2017 registered with Police Station, Ramnagar, Chandrapur for an offence punishable under Section 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, 1988 and under Sections 420 and 109 of the Indian Penal Code. The application for anticipatory bail filed by the applicant was allowed by this Court on 19.09.2017 on conditions. For decision of the present application, condition no.(V) is relevant and it is reproduced hereinbelow:

(V) Thereafter the applicants shall attend the office of A.C.B. Chandrapur once in a month till filing of the chargesheet and shall be with the investigating officer from 11.00 a.m. to 5.00 p.m. on Saturday of each month.”

4. The learned counsel for the applicant submits that as per the directions given by this Court, the applicant has attended the office of the Anti Corruption Bureau, Chandrapur.

The said statement is not controverted by the learned A.P.P. Mr. Mirza, appearing for the non applicant no.2-Anti Corruption Bureau, Chandrapur.

5. As per the condition no.(V), the applicant is required to attend the office of the Anti Corruption Bureau once in a month till filing of the charge-sheet.

6. My attention is invited to the averments in paragraph 4 of the present application. It is stated that the present applicant has filed the writ petition for quashing of the FIR. The said writ petition is registered as Criminal Writ Petition No.1113/2017 and Division Bench of this Court has issued notices to the respondents therein and though allowed the investigating agency to continue with the investigation, the investigating agency is directed not to file charge-sheet until further orders.

Even this aspect is also not disputed by the learned A.P.P. for the State.

7. In view of the aforesaid order passed by the Division Bench of this Court, in my view, the applicant has made out a case for relaxation of the condition no.(V). Hence, the application allowed. Condition no.(V) in the order dated 19.09.2017 in Criminal Application No.627/2017 stands relaxed.

The application is disposed of accordingly.

JUDGE

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