

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

**Criminal Application [BA] No.394 of 2018**

*Sumit s/o Rajkumar Thakur*

vs.

*State of Maharashtra, through P.S.O. Gittikhadan, Nagpur*

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*Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.*

*Court's or Judge's Orders*

*Shri D.V. Chauhan, Advocate for the Applicant.  
 Shri A.V. Palshikar, A.P.P. for the Non-Applicant/State.*

**CORAM : S.B. SHUKRE, J.**  
**DATE : 2<sup>nd</sup> MAY, 2018.**

Heard.

Perused the application and the reply of the prosecution.

Now the applicant fairly accepts the mistake committed by him in committing the breach of the condition of the bail order dated 13/04/2017. The condition violated by the applicant is relating to his keeping himself away from the city of Nagpur except on the dates fixed by the Court in the trial pending against him. The applicant, however, in breach of this condition, was found to be present in Nagpur along with his girl friend on 10/08/2017 and also on 15/02/2018. The applicant now regrets the mistake committed by him and has given his unconditional apology for the mistake so committed by him. He also assures that he would not repeat the mistake.

As against this fact, the case of the prosecution is not about misusing of the liberty given to this applicant by the Court by tampering with the prosecution witnesses or pressurizing any prosecution witnesses and the case is only of his involvement in a

serious crime like the present. As regards the latter aspect of the prosecution case, this Court has already dealt with it at length while granting him bail on 13/04/2017. So, the only consideration that should be taken into account at this stage is of conduct of this applicant. But, it is not the case of the prosecution, as I have said just now that this applicant has done or attempted to do any such thing as would amount to pressurizing the prosecution witnesses or tampering with the prosecution evidence. In addition to this, the applicant has also given assurance to this court that he would not repeat the mistake.

In view of the above, I am of the considered opinion that this applicant needs to be given one more chance and accordingly this application deserves to be allowed.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a fresh P.R. Bond of Rs.50,000/- together with one solvent surety in the like sum on the following conditions.

- i. The applicant shall not enter the city of Nagpur except on the dates fixed by the Court in the trial pending against him.
- ii. The applicant shall submit details of his new residential address together with his mobile number to the concerned Police Station as well as the trial Court.

The application is disposed of.

**JUDGE**