

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 535 OF 2019

IN

CRIMINAL APPEAL NO. 139 OF 2016

Basavraj Vitthal Birajdar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. K. U. Patil, Advocate, for the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks relaxation / modification of Clause (iv) of the order dated 02.03.2016 passed by this Court (Coram : Smt. Sadhana S. Jadhav, J.) whilst suspending the sentence of the Applicant and enlarging him on bail. The Clause (iv) of the said order dated 02.03.2016 of which relaxation / modification is sought reads thus :-

“(iv) The applicant shall report to the Court of the Special Judge, Karad, once in six months on the dates specified by that

Court. In case of failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.”

3. Learned counsel for the Applicant submits that the Applicant was serving at Patan and that in April, 2016, his service was terminated and as such, he has shifted his residence to his home town Solapur. Learned counsel submitted that the Applicant is finding it difficult to travel to Karad to appear before the learned Special Judge due to the financial constraints as well as health issues.

4. Perused the papers. The Applicant has been directed to report to the learned Special Judge once in six months i. e. twice a year.

5. Considering the aforesaid, as on today, no ground is made out for relaxation / modification of the aforesaid condition. Hence, the Application stands rejected. Liberty is, however, granted to the Applicant to renew his prayer after three years.

(REVATI MOHITE DERE, J.)