

Dond

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

CRIMINAL APPLICATION NO. 94 OF 2018

Manohar Chaturvedi & Anr.

..Applicants

Vs

The State of Maharashtra

..Respondent

Mr. Akash A. Singh I/b Mr. A.M. Saraogi for the Applicants.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th March 2019.

P.C.:

1] This is an application for relaxation of condition No.3(d) imposed upon the applicant while granting him pre-arrest bail by the Additional Sessions Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai by its Order dated 29th April 2017 in A.B.A. No.686 of 2016. The said condition No.3(d) reads as under:

“The applicant/accused Nos.2 and 3 shall not leave Mumbai without prior permission of the concerned Court of the Metropolitan Magistrate.”

2] The learned counsel for the applicants submitted that, the applicants are in-laws of the first informant and are ordinary residents of Mathura, State of Uttar Pradesh. That the applicant No.1 is having his business at Mathura and due to his non-attendance at the said place, he is suffering monetary losses. He, therefore, prayed that the said condition imposed upon the applicants may be waived.

 The learned APP fairly conceded to the said fact and submitted that appropriate orders in the interest of justice may be passed.

3] In view of the above and for the reasons stated in the application, the said condition No.3(d) imposed upon the applicants by an Order dated 29th April 2017 is hereby modified and the applicants are permitted to leave Mumbai and to to Mathura without prior permission of the concerned Metropolitan Magistrate. However, the applicants are directed to attend the Trial Court after receipt of notice of appearance on stipulated dates.

4] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)