

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.75 OF 2019

1. Samit Anand Shetty,
2. Smt.Sheetal Shetty,
Both r/o.Marpadi, Moodbidri,
Dakshina Kannada District-574227.
3. Anand Shetty, Age 69 years,
4. smt.Pushpa Shetty,
Nos.3 and 4 r/o.Adyar Village, Mangalore-575007. Applicants
versus
The State of Maharashtra Respondent

Mr.Niranjan Mundargi I/by Raghava M. for applicants.
Mr.Prasnant Jadhav, APP, for State.
Mr.J.M.Parte, PSI, Nerul Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th February 2019

PC :

1. This is an application seeking relaxation of condition imposed by learned Additional Sessions Judge, Thane vide order dated 3rd October 2018 passed in Anticipatory Bail Application No.2645 of 2018.

2. The applicant had preferred an application for anticipatory bail before Sessions Court, Thane in Crime No.I-298 of 2018 registered with Nerul Police Station for offences under Sections 498A of Indian Penal Code. The said application was allowed vide order dated 3rd October 2018 with a direction that the applicants shall attend concerned police station on every 1st and 15th of each month till filing of charge sheet and also co-operate to the investigating agency as

and when called by the I.O. under prior written intimation. The order also stipulates other conditions.

3. Subsequently applicants had preferred an application for modification of the aforesaid order seeking relaxation of condition relating to attendance of the police station. The said application was rejected by order dated 6th December 2018.

4. Learned advocate for applicants submits that the applicants are residents of Mangalore. The applicants are in-laws of the complainant. The applicant no.1 has attended police station in accordance with the aforesaid order. The applicant nos.2 to 4 have not attended police station initially but thereafter they have attended the investigating officer which fact is not disputed by prosecution. The investigating officer is present in the Court. Learned counsel also submitted that the applicants have preferred Writ Petition No.4033 of 2018 challenging the FIR before this Court and the said petition is pending. By way of interim relief, the prosecution is directed not to file charge sheet. Learned APP submits that on account of the interim order, the prosecution is precluded from filing the charge sheet. The matter relates to offence u/s 498A of IPC. The husband of the complainant has also preferred application for anticipatory bail before this Court which is pending with interim protection. Considering the fact that the applicants have attended the police station and they are residents of Mangalore and in view of interim order dated 12th October 2018 passed by this Court in Criminal Writ Petition No.4033 of 2018, condition no.6(1)(b) stipulated in order dated 3rd October 2018 passed by learned Additional Sessions Judge-5, Thane in Anticipatory Bail Application

No.2645 of 2018 stands relaxed. However, the applicants shall attend concerned police station as and when called for with prior intimation in writing. Criminal Application No.75 of 2019 is disposed off. All other conditions in order dated 3rd October 2018 of learned Additional Sessions Judge-5, Thane, shall remain intact.

(PRAKASH D. NAIK, J.)

MST