

Anand

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

CRIMINAL APPLICATION NO. 776 OF 2018

(For Modification)

IN

BAIL APPLICATION NO. 502 OF 2017

Avishek Kaniya Bhattacharya

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mrs. Pooja N. Sejpal a/w Ms Akshata Desai i/b. Mr. Nitin Sejpal,
Advocate, for the Applicant

Mr. S. S. Hulke, APP, for the Respondent – State

Mr. Avishek Bhattacharya, Applicant-in-person present

CORAM : REVATI MOHITE DERE, J.

DATE : 20.02.2019

(IN CHAMBER)

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks modification of Clause Nos. (ii) & (iii) in para 5 of the Order dated 04.04.2017 passed by this Court (Coram : Revati Mohite Dere, J.) in

Cri. B. A. No. 502 of 2017. The Clauses of which modification is sought read thus :-

“(ii) The applicant shall attend the concerned Police Station on the first Monday of every month from 10.00 a. m. to 11.00 a. m. till the conclusion of trial;

(iii) The applicant shall not enter the jurisdiction of Poynad Police Station, except for the purpose of attendance.”

3. Learned counsel for the Applicant submits that the Applicant has secured a job in Dolvi (Near Poynad) with Aravali Technical Services Pvt. Ltd. She submits that the Applicant's parents reside in Poynad and as such, the Applicant intends to reside with his parents at Poynad, from where he can travel to Dolvi. She submits that even otherwise, the Complainant / Prosecutrix has left Poynad and is residing elsewhere.

4. Learned APP has filed an Affidavit of Kamalakar Rajaram Bhaud, Assistant Police Sub Inspector, attached to Poynad Police Station, District – Raigad. Learned APP does not dispute the fact that the Complainant / Prosecutrix has left

Poynad. He states that the Complainant / Prosecutrix is now residing at Panvel, Navi Mumbai. Learned APP, however, makes a grievance that the Applicant has not complied with some of the conditions imposed by this Court vide Order dated 04.04.2017, whilst enlarging the Applicant on bail. He submits that the Applicant has not attended the police station, as directed by this Court on five occasions i. e. on 04.12.2017, 05.02.2018, 05.03.2018, 04.06.2018 & 03.12.2018. Learned counsel for the Applicant on instructions submits that the Applicant was unable to attend the concerned police station on the aforesaid dates, as the Applicant was required to attend the Court in connection with the case for which he is being prosecuted.

5. Perused the papers. Considering the nature of allegations, the Applicant was directed not to enter the jurisdiction of Poynad Police Station, except for the purpose of attending the concerned police station on the first Monday of every month from 10.00 a. m. to 11.00 a. m. till the conclusion of trial. It is not in dispute that the Complainant / Prosecutrix has left Poynad and is residing at Panvel. The Applicant is present

today. He assures that he will not contact the Complainant / Prosecutrix or any other person concerned with the said case. Learned counsel for the Applicant states that the Applicant will file an Affidavit to that effect within one week from today. Statement accepted. As far as attendance to the concerned police station is concerned, it is informed that the Applicant was unable to attend on the said dates, as he was required to attend the Court on three dates and on the other two dates, he was in some personal difficulty. The Applicant, however, assures to attend the concerned police station, as may be directed by this Court. Having regard to what is stated aforesaid, the Application is partly allowed on the following terms & conditions :-

O R D E R

(i) Clause (ii) of the Order dated 04.04.2017 is modified to the extent that the Applicant shall now attend the concerned police station once in two months i. e. starting from first Friday of March, 2019 from 10.00 a. m. to 11.00 a. m. till the conclusion of trial;

(ii) As far as Clause (iii) of the Order dated 04.04.2017 is concerned, the said condition is relaxed, inasmuch as, the Applicant is now permitted to enter the jurisdiction of Poynad Police Station. Rest of the conditions to remain as it is;

(iii) The Applicant to file Affidavit in the Registry of this Court within one week from today.

6. The Application is, accordingly, disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)