

Anand

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

CRIMINAL APPLICATION NO. 231 OF 2019

Jatan Ravindar Sarkar @ Raju Bangali .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rohit Yadav i/b. Mr. Tariq Khan, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent – State
Mr. Deepak Gaonkar, PSI, Borivali Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks relaxation / modification of condition Nos. 2 & 4 of para 7 of the order dated 02.04.2018 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Mumbai. The conditions of which relaxation / modification is sought read thus :-

“2. Applicant / Accused – Jatan Ravindar Sarkar @ Raju Bangali be released on bail on execution of PR Bond of Rs. 30,000/- (Rupees Thirty Thousand only), with one solvent surety in the like amount.

4. Applicant shall give declaration of place of residence.”

3. Learned counsel for the Applicant states that instead of one solvent surety, the Applicant be permitted to give more than one solvent sureties. As far as the condition No. 4 is concerned, he submits that the Applicant has no documents to show that his permanent / temporary residence in Assam or Mumbai. He submits that the Applicant is an original resident of Assam and that in 2017, he had lost his Voter ID Card, which was the only document available with him to show his identity and address. Learned counsel relied on the police report lodged by the Applicant, with respect to loss of Voter ID Card on 28.08.2017. The said police report is on page No. 14 of the Application. Learned counsel for the Applicant states that it is difficult for the Applicant to comply with the said Clause No. 4, as he does not have any document to show his place of residence as of today. Learned counsel for the Applicant has, however, tendered an Affidavit of the Applicant's brother – Mr. Tapan Sarkar. The same is taken on record and marked as “X” for identification. In the said Affidavit, tendered by the Applicant's brother, he has given a copy of Aadhar Card which shows his address as Room No. 23, Chiman Pada, Marol Naka, Andheri (E), Mumbai – 400 059. He

has stated that his brother i. e. the Applicant is residing with him at the above address from four years.

4. Perused the papers. It is not in dispute that the Applicant was enlarged on bail on 02.04.2018 by the learned Additional Sessions Judge. Till date, the Applicant is unable to comply with the conditions imposed by the Court, granting him bail.

5. Having regard to what is stated aforesaid, the conditions imposed by the learned Additional Sessions Judge directing the Applicant to be released on bail on executing PR Bond of Rs. 30,000/- with one solvent surety in the like amount is modified / relaxed to the extent that the Applicant shall, now, be released on bail on execution of PR Bond of Rs. 30,000/- with one or more solvent sureties in the like amount. As far as the condition No. 4 which directs the Applicant to give declaration of place of residence is concerned, the said condition is relaxed / modified completely.

6. Considering the aforesaid, in addition to the conditions imposed by the learned Additional Sessions Judge whilst enlarging the Applicant on bail, the following additional condition is imposed on the

Applicant. The Applicant on his release shall attend the concerned police station on the first Saturday of every month between 10.00 a. m. and 11.00 a. m. till the conclusion of trial. If the Applicant fails to attend the concerned police station or fails to abide by any of the aforesaid conditions imposed by the learned Additional Sessions Judge, the prosecution will be at liberty to file an Application for cancellation of the Applicant's bail.

7. Accordingly, the Application is allowed and disposed of in the aforesaid terms.

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

(REVATI MOHITE DERE, J.)