

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1012 OF 2019

IN

CRIMINAL APPEAL NO.420 OF 2006

JAMILA ASHA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Rounak Naik i/b. Mr.Sudeep Pasbola, Advocate for the Applicant.

Mrs.M.M.Deshmukh, APP for the Respondent - State.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 4th JULY 2019

P.C. :

1 This is an application for modification of the order dated 18th January 2014 passed by this court in Criminal Application No.181 of 2014 thereby directing the applicant to attend Bhandup Police Station once in three months.

2 The applicant along with two others came to be tried for offences punishable under Sections 366A, 368, 372, 376(2(f) read with 34 and 373 read with 34 of the Indian Penal Code, under Sections 3 and 9 read with Section 114 of the Indian Penal Code as well as under Sections 5 and 6 of the Immoral Traffic (Prevention) Act. She, along with co-accused, came to be acquitted on 22nd December 2014 by the Additional Sessions Judge, Mumbai. Pursuant to order of this court for taking action under Section 390 of the Code of Criminal Procedure, the Additional Sessions Judge, by an order dated 25th April 2006 had directed the applicant to attend the Bhandup Police Station, Mumbai, once in a month. That condition came to be relaxed by the order dated 18th January 2014 by this court in Criminal Application No.18 of 2014 thereby directing the applicant to attend the said Police Station once in three months.

3 Heard the learned advocate appearing for the applicant as well as the learned APP appearing for the State. Perused the application. Since her acquittal, the applicant is

regularly attending the concerned Police Station as per the directions of the learned Additional Sessions Judge as well as of this court, since the year 2006. It is submitted that the applicant is an aged person suffering from several ailments. As such, she is finding it wholly inconvenient to attend the Bhandup Police Station once in three months.

4 We have considered the submissions so advanced. We are also aware of the fact that the appeal challenging acquittal is pending before this court from the year 2006. Considering the age of the applicant and the fact that the applicant had attended the concerned Police Station regularly, as per the directions of this court, from time to time, we are of the considered opinion that the applicant is entitled for getting the condition of bail modified in the following manner :

ORDER

- i) The applicant to attend the Bhandup Police Station, Mumbai, once in a year i.e. on any day in first week of January, in between 9.00 a.m. to 10.00 a.m., till decision of the criminal appeal.

- ii) The application is accordingly disposed off.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)