

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1078 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 1255 OF 2017**

Rajkumar Maruti Patil	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Pavan S. Patil for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. Vijay R. Maladkar from Dahisar Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th SEPTEMBER 2019

P.C. :

1 At the outset, learned counsel for the applicant does not press for modification of the condition directing the applicant to attend Dahisar Police Station, Mumbai, once in a month i.e. on the first Saturday of every month. He, however, seeks liberty to file a fresh application for modification of the said condition, after six months.

2 The applicant, however, presses for modification of clause (iii) of para 6 of order dated 20th June 2017 passed in Bail Application No. 1255

of 2017, inasmuch as, it directs the applicant to stay out of the jurisdiction of Dahisar Police Station, Mumbai.

3 Perused the papers. The condition of which modification is sought, reads as under :

“(iii) The applicant is directed to stay out of the jurisdiction of the Dahisar Police Station, Mumbai and he will not enter the said jurisdiction except for the purpose of attending the police station as directed.”

4 The aforesaid condition is imposed by this Court (Croam : P. D. Naik, J.) vide order dated 20th June 2017 passed in Criminal Bail Application No. 1255 of 2017, whilst enlarging the applicant on bail. It appears that subsequently the applicant preferred an application seeking relaxation of condition Nos. (ii) and (iii) imposed upon the applicant vide order dated 20th June 2017. As far as condition imposed by clause (ii) is concerned, this Court (Coram: A. S. Gadkari, J.) vide order dated 6th August 2018 modified the said condition and directed the applicant to attend Dahisar Police Station once a month i.e. on the first Saturday of every

month between 10:00 a.m. to 12:00 p.m, till the conclusion of the trial. As far as condition No. (iii) is concerned, Hon'ble Justice A. S. Gadkari, vide order dated 6th August 2018, observed that at this stage, the said condition need not be modified, keeping in mind the attending circumstances of the case, pursuant to which, the said condition was imposed. However, the applicant was granted liberty to file a fresh application for modification of condition No. (iii), after the appeal preferred by the applicant before the School Appellate Tribunal was decided by the concerned authority. Pursuant thereto, the aforesaid application has been filed.

5 It is pertinent to note that the School Appellate Tribunal, vide its order dated 16th July 2019 allowed the applicant's application and quashed and set aside the order of termination of services of the applicant. The School Appellate Tribunal directed the respondent Nos. 1 and 2 therein to reinstate the applicant on his previous post with continuity in service as an Assistant Teacher, subject to the relaxation of the condition of bail passed by this Court (Coram : P. D. Naik, J.), at the time of enlarging the applicant on bail i.e. restricting the applicant from entering the jurisdiction of Dahisar Police Station , except for attending the police station.

6 Having regard to the said order passed by the School Appellate Tribunal, clause (iii) of the order dated 20th June 2017 stands modified/relaxed. The applicant is accordingly permitted to enter the jurisdiction of Dahisar Police Station, having regard to the peculiar facts of this case. In addition to the condition imposed by this Court (Coram : P. D. Naik, J.) vide order dated 20th June 2017, the following condition is imposed on the applicant:

- (i) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7 The application is accordingly disposed of. Liberty is granted to the applicant to file a fresh application, seeking modification of condition of attendance, after twelve months.

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

REVATI MOHITE DERE, J.