

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

CRIMINAL APPLICATION NO. 549 OF 2018

Victim D/o. Awadhbihari Mishra
THROUGH her Power of Attorney Holder
Amrita Mishra D/o. Awadhbihari Misra Applicant
Versus
The State of Maharashtra & Anr. Respondents

Ms. Amrita Mishra (in person), for the Applicant.
Ms. S. S. Kaushik, APP for the State/Respondent.
Mr. Pandit Kasar, Advocate for the Respondent No.2.
Mr. V. S. Mali, ASI, MIDC Bhosari Police station, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th OCTOBER, 2019

P.C. :

1. This application is filed for cancellation of bail granted to the respondent No.2 vide order dated 15/09/2018 passed by the learned Additional Sessions Judge, Pune, below Exh.3 in Sessions Case No.01 of 2018, in connection with C.R.No.186 of 2015 registered with MIDC Bhosari police station, Pune.
2. Heard Ms. Amrita Mishra, Power of Attorney Holder of the applicant, Ms. S. S. Kaushik, learned APP for the

State/Respondent and Mr. Pandit Kasar, learned counsel for the Respondent No.2.

3. The applicant is represented through her Power of Attorney holder Ms. Amrita Mishra, who is her sister. In the interest of justice, I have heard her. She invited my attention to the order passed by the learned Additional Sessions Judge, Pune, granting bail to the respondent No.2. I have gone through the order. After arguing for some time, Ms. Amrita Mishra specifically made a statement that, she was insisting on imposing a few more conditions in the operative part of the order granting bail. She specifically gave up her prayer for cancellation of bail. In this view of the matter, there is no need to go into the merits of the matter. However, the apprehension expressed by Ms. Mishra can be taken care of by imposing conditions to her satisfaction. Her main contention was that the respondent No.2 should not be allowed to leave the country pending trial. That condition is already mentioned in Clause 'd' of the operative part of the impugned order. However, Ms.Mishra insisted that the applicant be directed to deposit his passport with the Investigating Officer. Secondly, she

contended that the respondent No.2 should give his permanent address on oath. Her third submission is that the respondent No.2 should not enter Haridwar because victim and her family are residents of Haridwar.

4. It is to be noted at this stage that the respondent No.2 is already in custody in respect of another offence i.e. C.R.No.747 of 2015 registered with GRP Police station, Bhopal, M.P. Considering all these submissions, in addition to the conditions imposed by the learned Additional Sessions Judge, Pune in the operative order, following further conditions are added:-

- (A) The respondent No.2 shall deposit his Passport, if any, with the Investigating Officer.
- (B) The respondent No.2 shall affirm an affidavit mentioning his permanent address in Pune and that affidavit shall be handed over to the Investigating Officer within a period of four weeks from today.

(C) The respondent No.2 shall not enter Haridwar except for attending the court cases, if any.

5. These conditions will be in addition to the conditions already imposed by the learned Additional Sessions Judge, Pune in the impugned order.

6. In the interest of justice and in the interest of both the parties, it is necessary that trial is conducted expeditiously. I am informed that the case is pending for framing of charges. In the interest of justice, the trial is expedited.

7. In these terms, the application is disposed of.

(SARANG V. KOTWAL, J.)