

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO.27 OF 2019  
IN  
CRIMINAL APPLICATION (APL) NO.709 OF 2017 (D)

Himayu s/o Israel Ali, Chandrapur

-vs-

State of Maharashtra, Thr. PSO, PS Ramnagar, Chandrapur

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Shri S. S. Sirpurkar, Advocate for applicant.

Ms M. S. Naik, APP for non-applicant/State.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : February 12, 2019**

The applicant who is an accused in Crime No.1170/2017 was enlarged on bail by the Sessions Court, Chandrapur pursuant to order dated 17/08/2017. One of the conditions imposed was that he was not permitted to enter the jurisdiction of Chandrapur district till completion of trial. In Criminal Application No.709/2017 this Court modified the said condition and restricted his entry within the Corporation limits of the city of Chandrapur till completion of trial. By the present application it is prayed that said condition be relaxed in view of the fact that a period of more than a year has elapsed and the liberty granted to the applicant has not been misused. His family members are staying at their house at Chandrapur and hence he be permitted to reside there by imposing appropriate conditions.

2. The application is opposed by the prosecution by filing reply. It is stated that considering seriousness of the offence, the said conditions do not deserve to be modified. There is a likelihood that the applicant may threaten the victim and the witnesses who reside in the same locality.

3. Considering the fact that after imposition of said condition of not entering the Corporation limits of the city of Chandrapur, the applicant has not misused his liberty coupled with the fact that the trial is yet to commence, I am inclined to modify the said condition subject to imposing certain restrictions on the applicant.

4. Accordingly, the condition imposed on the applicant while enlarging him on bail of not entering the corporation limits of the city of Chandrapur stands modified. The applicant shall attend Ramnagar Police Station, Chandrapur on the 1st and 15th day of each month. He shall not attempt to coerce or threaten the victim nor shall he take any steps to influence or tamper with the prosecution witnesses.

5. It is open for the Investigating Officer to take appropriate steps in case it is brought to his notice that the applicant has misused his aforesaid liberty.

Criminal Application is allowed and disposed of.

**JUDGE**