

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPP] No. 732 of 2019
IN
Criminal Application [BA] No. 978 of 2018 [decided]
[Gopal Gajadharsingh Thakur Vs. State of Mah., Manora PS, Distt. Washim]

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

Court's or Judge's orders

Mr. C. S. Dharmadhikari, Adv., for the Applicant.
Ms. Geeta Tiwari, APP for respondent.

CORAM : M. G. GIRATKAR, J.

DATE : 24th September, 2019

This Court has granted bail to the applicant on
13th December, 2018 by making the following order:-

“I] The application is allowed.

II] The applicant be released on
executing P.R. bond in the sum of Rs.
1,00,000/- with one solvent surety.

III] The applicant shall not tamper the
evidence of prosecution witnesses.

IV] The applicant shall not leave the
jurisdiction of trial court without prior
permission.

V] The applicant shall attend the trial
Court on each and every date.

VI] Breach of any condition amounts to

cancellation of bail.”

The learned Adv. Shri C. S. Dharmadhikari has submitted that the condition in the operative part of the order, i.e., the applicant shall not leave the jurisdiction of trial Court without prior permission be relaxed, as the applicant's daughter is studying at Pune and his place of employment is in Yavatmal district and the trial is pending before the Sessions Court at Mangrulpir, Distt. Washim. Therefore, learned Adv. has submitted that in view of the condition, the applicant cannot leave the jurisdiction of Sessions Court, Mangrulpir. The learned Adv., therefore, prayed to relax the said condition.

The application is strongly opposed by Ms. Geeta Tiwari, learned APP for the respondent. She has submitted that the grounds mentioned in the application are not sufficient to relax the condition. Moreover, in the presence of learned counsel, the order was passed and some conditions were imposed on the applicant. At last, she submitted that the application is liable to be rejected.

This Court has granted bail to the applicant on 13th December, 2018 for the offence punishable under Section 302 of Indian Penal code. In the order, it has been observed by this Court that except the confessional statement of the applicant, discovery under Section 27 of Evidence Act and the circumstance of 'last seen', there is no other evidence by the side of prosecution.

Accordingly, the bail was granted to the applicant. As per the submission of learned counsel, the applicant's daughter is studying at Pune and his workplace is in Yavatmal distt. This Court has imposed some restrictions on the applicant. Thus, it is for the trial Court to grant permission or not as per the Clause [IV] of the operative order, which reads as under :-

“IV] The applicant shall not leave the jurisdiction of trial court without prior permission.”

The prior permission of the trial Court is necessary for the applicant to leave the jurisdiction of trial Court. He is at liberty to apply before the trial Court for the permission to leave the jurisdiction.

Hence, application is disposed of.

Judge

[hedau]