

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**911 CRIMINAL APPLICATION NO.285 OF 2021
IN
CRIMINAL APPEAL NO. 151 OF 2020**

FAIZAN RAUF SHAIKH@ JAHAGIRDAR .. Applicant
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER .. Respondents

...
Advocate for Applicant : Mr S.R. Wakale
APP for Respondent / State : Mr S.D. Ghayal
...

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

Date : 11-02-2021

PER COURT :-

1. By this application, the applicant prays for modification in the conditions of bail granted to him vide order dated 30-09-2020 in Criminal Appeal No.151 of 2020.

2. We have heard the learned Advocate for the applicant and have perused the entire application / paper book with his assistance. The learned prosecutor opposes the said application on the ground that there is no material placed before this Court for entertaining the said application.

3. Vide our order granting bail dated 30-09-2020, we have

imposed the following conditions below paragraph 12 :-

“a) The appellant shall be released on bail upon furnishing a cash surety of Rs.1,00,000/- (Rupees One Lakh only) and a solvent surety of the like amount.

b) The appellant shall not enter the municipal limits of Ahmednagar, except for the purpose of attending trial, as and when it commences.

c) The appellant shall tender his address of residence, in the light of this order, outside the municipal limits of Ahmednagar along with his cell number registered on his name and a copy of his election commission voter I.D. card and Aadhar Card, to the station house officer of Kotwali Police Station, Ahmednagar, at the time of tendering the cash surety and solvent surety.

d) The appellant shall not attempt to contact the original complainant or any such persons who are likely to be witnesses in this case and shall not tamper with evidence.

e) The appellant shall record his attendance at the local police station within whose limits he will now be residing until trial is over, on every Tuesday, Thursday and Saturday in between 11 a.m. to 01.p.m. and his attendance would be marked by the S.H.O. in the station diary by obtaining his signature.

f) Violation of any of the above conditions would be a ground for cancellation of bail.”

4. The learned Advocate for the applicant supports his request / prayer on the following grounds :-

a) The applicant is suffering from skin disease like rash all over his body and needs treatment at Ahmednagar.

b) The applicant desires to visit the Holy Shrine of Gareeb Nawaz

Khwaja Moinuddin Chishti at Ajmer to offer his prayers.

c) He would mark his presence before the Bhingar Police Station whenever he is at his hometown.

5. We find that the applicant has placed before us a medical prescription of Dr. Shaikh Sayeed, Pathardi road, Bhingar, Ahmednagar in which the said doctor has said nothing about referring the case of the applicant to any other doctor.

6. The applicant has placed before us a communication from Dr. M.K. Shaikh, who is a Dermatologist & Leprologist, dated 07-12-2020 in which the doctor expresses that he would examine the patient personally. The documents at page nos.23 to 27 indicate that the applicant has already delivered certain samples at Galaxy Lab, Pathardi Road, Bhingar under the reference of Dr. Saeed Shaikh and the reports are prepared and delivered by Thyrocare Technologies Ltd, Mumbai.

7. The applicant has placed before us certain medical papers concerning the health of his wife, who seems to be suffering from hypothyroidism and is taking treatment at Pune and samples

are sent to Mumbai for tests.

8. In view of the above, we do not find that the applicant has made out a genuine case, which deserves consideration. This application, being devoid of merits, is rejected.

(B. U. DEBADWAR)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE