

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

**CRIMINAL APPLICATION NO. 186 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO. 105 OF 2015**

Kailas Vishwanath Nikale Applicant

Versus
The State of Maharashtra Respondent

Mr. Kushal Ambulkar i/b Pawan Mali, for the applicant.
Mr. S.H. Yadav, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 15th FEBRUARY 2021**

P.C. :

1. This is an application for relaxation of condition imposed by this Court vide order dated 10/08/2015, passed in Application No. 596 of 2015.

2. Heard Mr. Kushal Ambolkar, learned Counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. Learned Counsel for the applicant states that the applicant was granted anticipatory bail in connection with C.R. No. I-02 of 2015 dated 4/1/2015 registered at Kasara Police Station under sections 307, 323, 506, 427 read with Section 34 of the Indian Penal Code, in respect of the incident dated 03/01/2015.

4. Vide order dated 6/2/2015, passed in ABA No. 105 of 2015, the applicant was granted anticipatory bail. However, he was directed not to enter the area of village Shirole. Thereafter the present applicant filed Criminal Application No. 596 of 2015 in the same anticipatory bail application. Vide order dated 10/8/2015, applicant was permitted to enter into village Shirole. However, he was directed to attend the concerned Police Station on first Sunday of every month.

5. Now again a fresh application is preferred by the applicant for relaxation of this condition of attending

the Police station on first Sunday of every month.

6. Learned Counsel for the applicant submitted that he has diligently attended the said Police Station from September 2015 onward without any default. He submitted that there was no further fresh incident between the parties. The applicant is not involved in any other offence.

7. Learned APP has not controverted this position factually.

8. Learned Counsel for the applicant states that the case has reached the stage of leading of evidence. Considering this background and particularly taking into account the fact that the applicant has been attending the concerned Police station for over a period of five years, without there being any fresh untoward incident involving the applicant, I am inclined to allow this

application.

9. Hence the following order.

ORDER

- (I) The application is allowed.
- (ii) The condition of reporting to Kasara Police Station on first Sunday of every month is deleted.
- (iii) The applicant shall attend the trial Court on every date and shall co-operate with early conduct of the trial.
- (iv) With these observations, the application is disposed of.

(SARANG V. KOTWAL, J.)