

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

ANTICIPATORY BAIL APPLICATION NO.1252 OF 2021

1. Ramniklal Ramji Mirani, &
2. Manisha Jitesh Mirani. Applicants
Versus
The State of Maharashtra Respondent

Mr. Ramniklal Mirani & Manisha Mirani, Applicants present
as party in person.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM :SARANG V. KOTWAL, J.

DATE : 14th JUNE, 2021
[Through Video Conferencing]

P.C. :

1. This matter pertains to the co-ordinate bench as per the roster. However, the praecipe mentions that His Lordship Justice P.D. Naik, who is assigned these matters from Mumbai District had appeared as amicus curiae for the Applicants and, therefore, this praecipe is moved before this Court as per the oral directions of the Judicial Registrar.

2. In these circumstances, I have heard Applicant No.2 as party in person. A limited prayer made in this

application is for waiver of condition No.(b) imposed by the Sessions Court while granting anticipatory bail to both the Applicants in their respective applications. Said conditions in respect of both the applicants read thus :

“ABA/30/2021:

(b) The applicant shall attend the concerned police station once in a week i.e. on Wednesday in between 5.00 p.m. to 7.00 p.m. from the date of this order and as and when called by the investigating officer till further orders. In default of it, the anticipatory bail shall stand cancelled.”

“ABA/122/2021 :

(b) The applicant shall attend the concerned Police Station continuously 3 days from 2.2.2021 in between 5.00 p.m. to 7.00 p.m. and thereafter once in a week i.e. on Wednesday in between 5.00 p.m. to 7.00 p.m. and as and when called by the investigating officer till further orders. In default of it, the anticipatory bail shall stand cancelled.”

3. Applicant No.2 states that Applicant No.1 is 78 years of age and both the Applicants have diligently complied with these orders. She submits that in the

prevailing situation of spread of COVID-19 pandemic, it is becoming extremely difficult for the Applicants to comply with these directions. She seeks relaxation of this particular condition.

4. Learned A.P.P., Ms. Dabholkar has left the matter to the discretion of the Court.

5. Considering this, the submissions of Applicant No.2 can be accepted. The Applicants have diligently complied with the directions. Further attendance is not really necessary. The police can always call them as and when required. This particular part of clause (b) I am maintaining. However, compulsory attendance on Wednesday can be deleted. Hence, the order:

:: O R D E R ::

- (i) The orders dated 1.2.2021 in ABA No.30/2021 and ABA No.122/2021 passed by the Additional Sessions Judge, are modified as far as clause (b) is concerned. The requirement to attend the

concerned police station once in a week, is deleted.

- (ii) The applicants however shall attend the concerned police station as and when called by the investigating officer. Clause (b) in the orders dated 1.2.2021 passed in ABA No.30/2021 and ABA No.122/2021 shall stand modified to this extent. Rest of the orders shall remain as they are.
- (iii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)