

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

CRIMINAL APPLICATION (APPP) NO. 494 OF 2021 IN
CRIMINAL APPLICATION (ABA) NO.490 OF 2020

Shivraj alias Shivaji Tukaram Sable Vs. State of Maharashtra, through PSO,
PS Shirpur, Tq. Malegaon, Dist. Washim

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

Court's or Judge's orders.

Shri Shaikil Deshmukh, Advocate for applicant.
Smt. M.A. Barabde, APP for non-applicant.

CORAM : V.M. DESHPANDE, J.
DATE : 4th MAY, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

(2) This is an application for relaxation of condition imposed upon the applicant.

(3) Heard Shri Shaikil Deshmukh, learned counsel for the applicant and Smt. M.A. Barabde, learned Additional Public Prosecutor for non-applicant/State. Also perused the reply filed by the non-applicant.

(4) The present applicant was granted pre-arrest bail by this Court on 18.08.2020 in connection with Crime No.150 of 2020 registered with Police Station, Shirpur, Tq. Malegaon, Dist. Washim for an offence punishable under Sections 147, 148 149, 324, 504, 452, 188, 269, 270, 271

and 307 of the Indian Penal Code. While releasing the applicant on bail this Court directed that applicant shall attend Police Station, Shirur, Tq. Malegaon, Dist. Washim on every Sunday between 03:00 p.m. to 05:00 p.m. until filing of the charge-sheet.

(5) The learned counsel for the applicant has submitted that the said condition kindly be relaxed. He submitted that looking to the present pandemic situation instead of asking the applicant to attend the Police Station on every Sunday he be permitted to attend the Police Station as and when called by the Police Station Officer.

(6) Looking to the fact that the injury was caused by co-accused Sonu, the applicant was granted bail. It is reported to the Court that Sonu is already released on regular bail.

(7) Till today, for the reasons best known to the Investigating Officer, the charge-sheet is not filed. The learned counsel for the applicant has submitted that the applicant has attended the Police Station as directed, which is opposed by the learned Additional Public Prosecutor. It is her submission that on many occasions the applicant did not attend the Police Station. It is not the submission of the learned Additional Public Prosecutor that the applicant did not attend the Police Station at all.

(8) For the reasons best known to the Investigating Officer, he did not take any step for flaunting the condition.

(9) While granting bail it was observed by this Court that there was a dispute in respect of waste water between Keshav Kokate and one accused Damodar Kokate. Even as per the prosecution case, as it could be seen from the order granting anticipatory bail, the role of assault was attributed to Sonu alias Rameshwar.

(10) Diary maintained in respect of the attendance of the applicant, which is filed on the record would show that most of the occasions the applicant has attended the Police Station.

(11) In view of the present pandemic situation, the submission made on the part of learned counsel for the applicant has some force that instead of asking the applicant to attend the Police Station on every Sunday, he can be asked to attend the Police Station as and when his presence is required. In that view of the mater, I pass the following order:

ORDER

- i. The application is allowed.
- ii. Condition No.(ii) imposed while granting the

anticipatory bail in favour of the applicant that he shall attend the Police Station on every Sunday between 03:00 p.m. to 05:00 p.m. till filing of the charge-sheet is hereby modified and instead of that the applicant – Shivraj alias Shivaji Tukaram Sable shall attend the Police Station, Shirpur, Tq. Malegaon, Dist. Washim as and when called by the Police Station Officer however for that Police Station Officer, shall give clear cut 72 hours written notice to the applicant.

With this, the application is disposed of.

JUDGE

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