

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

CRIMINAL APPLICATION (APPP) NO. 536/2019

IN

CRIMINAL APPLICATION (BA) NO. 1111/2016
{Anand @ Banti s/o Dwarkaprasad Jaiswal vs. State of
Maharashtra :Through PSO PS Yavatmal (city)}

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

Court's or Judge's order

.....
Mr. A.S. Manohar, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 2nd March, 2021

1. Heard learned counsel for the respective parties, at length.
2. Against the present applicant, an offence punishable under Sections 302, 364, 143, 147, 148, 149 and 120-B of the Indian Penal Code, along with Sections 3/25 and 4/25 of the Indian Arms Act, has been registered. The applicant was enlarged on bail by this Court (Coram: P.N.Deshmukh, J.) on 10.02.2017 on certain terms and conditions. One of the conditions while releasing on bail was that, while on bail, the applicant/s shall not enter the territorial limits of Yavatmal city pending trial.
3. By means of this Application, the applicant applied for relaxation/modification of the conditions. This Court (Coram: P.N.Deshmukh, J.), on 09.07.2019, by way of an interim order, granted the following relief :-

" In view of the matter and since trial is not yet commenced, pending this application, the condition imposed by this Court against the applicant is relaxed to the extent that the applicant though shall continue to not to enter territorial limits of Yavatmal city pending trial, he shall be allowed to visit his house and business premises in every alternate week from Friday to Monday so as to enable him to look after his business and meet his family members. Rest of the conditions stand unaltered."

4. On 03.09.2019, this Court (Coram: PN. Deshmukh, J.) passed the following order :-

" Learned APP to make a statement if trial has commenced and to obtain instructions from the concerned Police Station, if during visit of applicant within Yavatmal in alternate week from Friday to Monday, any offence is registered against him or any report is received involving applicant, alleged to have issued threats to any of the witnesses. "

5. Learned Advocate for the applicant vehemently contended that during the pendency of the present application, there is no complaint against the applicant with regard to the threats given by him to either the victim/complainant or the witnesses. He, therefore, contended that the aforesaid condition

be relaxed. He further informed that the trial has not yet commenced and the applicant be permitted to visit the territorial limits of Yavatmal city, where his family resides.

6. Learned APP vociferously opposed the said Application. He, however, fairly admitted that till date there is no complaint against the present applicant in concern with the instant crime i.e. Crime No. 573/2016, by the concerned Police Station with regard to the threats given by the applicant to either the complainant or the witnesses.

7. Considering the aspect that trial has not yet commenced in Crime No.573/2016 till today; and also taking into consideration the fact that no complaint has been received by the concerned Police Station in respect of any sort of threats given by the applicant to any of the witnesses with regard to case wherein the bail was granted to the applicant on 10.02.2017, I have no hesitation in relaxing Condition No.2 imposed by this Court on 10.02.2017. Hence, the order :-

ORDER:

- (i) Criminal Application No.536/2019 is allowed and disposed of, in terms of its prayer (A).
- (ii) The applicant shall neither tamper with the prosecution evidence nor try to influence nor pressurize the witnesses in any manner.

JUDGE