

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

MISC. CRIMINAL APPLICATION (APPP) NO. 1458 OF 2020 IN
CRIMINAL APPLICATION (BA) NO. 896 OF 2019 (D)

(Istakulla Khan Ashfaquella Khan Patel, Akot, Dist. Akola Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri Abhay Sambre, Advocate for the applicant.
Mrs. S.S. Jachak, A.P.P. for the respondent.

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CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 08, 2021.

Heard.

2] This is an application for relaxation of condition No.(iii) in the order dated 09/10/2019 passed in Criminal Application (BA) No.896/2019. The same reads thus:-

“(iii) The applicant is directed to not to enter territorial jurisdiction of village Mohala till culmination of trial.”

3] Learned counsel for the applicant submitted that the mother of the applicant is suffering from cancer and therefore, the applicant is required to attend her mother during treatment.

4] Considering the role attributed to the present applicant that is he was only the member of an unlawful assembly for commission of murder, so also considering the fact that similarly situated co-accused, who are on bail, have not been imposed the condition of not entering the village, this Court is inclined to allow the application.

5] Hence, the application is allowed. Condition No.(iii) of the order dated 09/10/2019 passed in Criminal Application (BA) No.896/2019 is relaxed.

JUDGE

Sumit