

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

CRIMINAL APPLICATION (APPP) NO.1935/2021
IN
CRIMINAL APPLICATION (ABA) NO.332/2021

Ravi s/o Nathuram Sharma and another,
-VERSUS-
State of Maharashtra through P.S.O., P.S. Bajaj Nagar, Nagpur.

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

Court's or Judge's Orders

Shri Tarun Parmar, Advocate for applicant.
Shri A.R. Chutke, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : NOVEMBER 30, 2021.

Heard.

2. This is an application seeking relaxation of bail condition imposed by this Court whereby both applicants were directed to attend police station on every Sunday till filing of charge-sheet. The reason for relaxation quoted in paragraph nos.3 and 4 of the application is that applicants are young businessmen. At police station, they are required to wait for hours to get endorsement about their attendance. Moreover, it is stated that there would be no prejudice to the prosecution if condition is relaxed.

3. The applicants' entitlement for bail was considered and vide order dated 18/11/2021 application was allowed with a rider to attend police station on every Sunday between 11.00 a.m. to 02.00 p.m.

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4. It reveals that just within eight days from the bail order, this application for relaxation has filed which persuades me to rethink about grant of discretionary relief. The applicants even on two Sundays did not bother to attend police station to facilitate investigation.

5. The condition of attendance has some purpose as it would protect the liberty of applicants as well as safeguard the interest of investigating agency. Pertinent to note that this Court has specifically directed applicants to attend on every Sunday only till filing of charge-sheet. The applicants are staying at Nagpur as well as concerned police station is also at Nagpur. When this Court imposes certain conditions, the Court means that it should be followed in letter and spirit. Unless exceptional circumstance or emergent grounds are made out, the conditions cannot be relaxed. Needless to say that this Court has consciously imposed condition of attendance to serve the purpose of investigating agency.

6. In view of that, application absolutely does not carry any merits hence rejected.

7. The prosecution is at liberty to move this Court for cancellation if applicants failed to follow the conditions of attendance as imposed by this Court.

8. The application stands disposed accordingly.