

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 860 OF 2022
IN
BAIL APPLICATION NO. 965 OF 2021**

1. Rajendra s/o. Ramkaran Pal, .. Applicants
Age. 55 years, Occ. Service,
R/o. "Prabhat Venue", Near Preetam Hotel,
Opp. Taxi Stand, Near Swaminarayan Mandir,
Dadar (East), Mumbai.

2. Ganesh s/o. Laxmanrao Chavan,
Age. 37 years, Occ. Service,
R/o. Kanherwadi, Tq. Sailu,
District – Parbhani.

Versus

State of Maharashtra .. Respondent
Through Police Station, Sailu,
Tq. Sailu, Dist. Parbhani.

Mr.M.P. Tripathi, Advocate for the applicants.
Ms.Vaishali Patil-Jadhav, APP for the respondent/State.

CORAM : SMT. VIBHA KANKANWADI, J.
RESERVED ON : 29.03.2022
PRONOUNCED ON : 19.04.2022

PC :-

1. The applicants, who were released on bail, in Bail Application No.965 of 2021 by this Court on 20.09.2021 want the condition attached to the bail order be relaxed and permission to them to leave the jurisdiction of

the Trial Court.

02. The applicants were involved in Crime No.233 of 2021 registered with Sailu Police Station, Dist. Parbhani, for the offence punishable under section 7 of the Prevention of Corruption Act. They filed regular Bail Application under section 439 of the Cr.P.C. vide Bail Application No.965 of 2021. While granting bail to them, this Court on 20.09.2021 imposed condition that they shall not leave the jurisdiction of the concerned Court without its prior permission. It will not be out of place to mention that one more application was filed vide Criminal Application No.3312 of 2021, which came to be decided by this Court on 27.01.2022. The prayer for permanent relaxation was rejected. However, applicant No.1 was permitted to visit his house at Mumbai between 01.02.2022 and he should again report to his Headquarters on 14.02.2022, if he has leave at his balance and he should get his leave sanctioned from the competent authority in advance.

03. It has been contended that now open enquiry is initiated against applicant No.1 in respect of corruption charges and therefore certain forms were given to him to disclose his property. Applicant No.1 submits that his

properties are situated at different places and necessary documents are in his house at Mumbai. He will have to collect the entire information. The forms, those are supplied to him, are six in number and he will have to give accurate information and therefore he needs to visit his house at Mumbai frequently for collecting the data. Therefore, he stated that the said condition be relaxed. As regards applicant No.2 is concerned, it is stated that he has been dismissed by the Superintendent of Police without enquiry. He had filed appeal before the D.I.G., Nanded through post. He is, therefore, required to attend hearing of the said appeal and also he is desirous of filing an application before Home Secretary, Mantralaya, Mumbai. Therefore, he also requires to leave the jurisdiction of Parnhani Court and therefore they both are praying that condition No.2 to the extent of not to leave jurisdiction of the Court without prior permission be relaxed.

04. Heard Mr.M.P. Tripathi, learned Advocate for the applicants and Ms.Vaishali Patil-Jadhav, learned APP for the respondent/State. In order to cut-short, it can be said that they have made submissions in support of their respective contentions.

05. It is to be noted that this Court while passing order on 27.01.2022 has rejected the prayer for permanent relaxation. When a condition is imposed by a Court of competent jurisdiction to the bail, it can be said that it is with some purpose. Both the applicants are in Police Department. The amount that was demanded as illegal gratification was Rs.Two Crores and it is alleged that they had accepted an amount of Rs.10 lakhs. Therefore, taking into consideration the evidence that was collected and the facts of the case, said condition was imposed. Therefore, there is no question of permanent relaxing the same. However, since open enquiry has been initiated and information has been sought from applicant No.1, he will have to supply that information for which he may be allowed to go to his house in Mumbai and collect all the papers. This can be done once and not frequently. As regards applicant No.2 is concerned, he may pursue his appeal before the D.I.G., Nanded and for that purpose only he can be allowed to go to Nanded on the date fixed by the D.I.G., Nanded. He may make an application in advance to the Special Judge under Prevention of Corruption Act, Parbhani, informing the date that has been fixed for his appeal and the Special Judge may consider the same positively. With these observations, the application deserves to be disposed of as follows :-

ORDER

- i) The application stands partly allowed.
- ii) The prayer for permanent relaxation of condition No.2 imposed in Bail Application No.965 of 2021 by this Court on 20.09.2021 stands rejected.
- iii) Applicant No.1 is permitted to visit his house at Mumbai between 19.04.2022 and he should report again to the Headquarter before 28.04.2022, if he has leave at his balance and he should get his leave sanctioned from the competent authority in advance.
- iv) Liberty is given to applicant No.2 to make application before the learned Special Judge under Prevention of Corruption Act, Parbhani for leaving jurisdiction of the said Court on the date of appeal, for applicant No.2 to go to Nanded to remain present before the D.I.G., Nanded for pursuing his appeal. Such application to be filed in advance and the learned Special Judge, Parbhani to consider it positively.

[SMT. VIBHA KANKANWADI, J.]