

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.1217 OF 2022
IN BA/1742/2021**

SHAIKH RAZIUDDIN FAHIMUDDIN
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. Shaikh Sohail Subhedar
APP for Respondent-State : Mr. V. M. Kagne
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 29-04-2022

ORDER :

1. Present application has been given for relaxation of condition imposed while they were released on bail. The present applicants had filed BA No.1742 of 2021 before this Court under Section 439 of Cr.P.C., the same came to be allowed on 31-01-2022 by imposing conditions. The conditions that was imposed is, ".....on condition that they shall attend the concerned police station on every Sunday between 12.00 and 2.00 p.m. till filing of the charge-sheet."
2. The learned Advocate appearing for the applicants submits that the applicants are abiding by the said condition since they have been released. Applicants No.1 and 4 are the medical practitioners and they

had appeared and passed postgraduate entrance examination and have to attend the rounds of selection as and when called by those authorities. Applicant No.4 has been selected for post graduation and J.L.N. Main Hospital and Research Centre. Applicants No.2 and 3 are the laboratory technicians working as X-ray machine operators in private hospital. They are also required to remain present as a part of their duty, still the charge-sheet is not filed, and therefore, the said condition should be relaxed.

3. The learned APP has strong objection and submitted that the charge-sheet will be filed within few days, but till then no discretionary relief is required to be given to the applicants.

4. Initially the learned Advocate for the applicant had not produced even the admit card of applicants No.1 and 4. thereafter, it was stated that applicant No.4 had got selected in J.L.N.Main Hospital and Research Centre which is at Bhillai in Chattisgarh. The photocopy of the provisional allotment letter was provided and when the learned APP told that he would make inquiry about the genuineness of the document, then on the next date i.e. on 29-04-2022 the learned Advocate for the applicants submitted that the applicant has now taken the second preference and he will not be

taking admission with the said Hospital and Research Centre at Bhillai. The applicant can change his stand but when an impression has been given by him that he will not be able to come down from Bhillai to Aurangabad, on every Sunday, then he cannot now change stand that now he would be taking admission at a different place. As regards the other applicants are concerned, they are working at Aurangabad and attendance is granted once in a week. Whenever such order of attendance is given, it is with some purpose. That purpose cannot be so defeated by the applicants by submitting some such grounds which are either changed or cannot be believed. Further, that attendance is still the filing of the charge-sheet only which is to be filed within few days, and therefore, application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.