

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

**CRIMINAL APPLICATION NO.2469 OF 2021
IN APEAL/28/2021**

**DEEPAK NAMDEV SAVANT
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. I. H. Farooqui h/f Mr. N. V. Gaware
APP for Respondent – State : Mrs. V. S. Choudhari

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**CORAM : V. K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 17th FEBRUARY, 2022.

PER COURT :

1. Heard finally with the consent of the parties, at the admission stage.
2. The applicant – original accused is seeking relaxation of the condition in clause Nos. (ii) and (iii) imposed by this Court by order dated 16-02-2021 in Criminal Appeal No.28/2021, while releasing the applicant on bail.
3. The learned counsel for applicant submits that so far as the condition in clause No.(iii) is concerned, the applicant was directed to tender his address of temporary residence until the

commencement of the trial and he shall mark his attendance on every Tuesday and Friday in between 10:00 am to 02:00 pm until the commencement of the trial, in the Police Station having jurisdiction in the area where he intends to reside. The learned counsel for applicant submits that after releasing of the applicant on bail, the applicant is continuously residing at Taluka Gangapur, District Aurangabad. However, he is reporting the Police Station at Virgaon, which is the nearest police station and is situated within the Taluka limits of Taluka Vaijapur. The learned counsel submits that it is difficult for the applicant to attend the said police station on every Tuesday and Friday between 10:00 am to 02:00 pm, since even today the trial is not yet commenced.

4. The learned counsel submits that the applicant was further directed not to enter within the district limits of Ahmednagar until recording of oral evidence in the trial Court commences. However, the learned counsel submits that the applicant has to attend the Court dates for various reasons including framing of the charge and recording of his plea in response to the said charge if framed by the trial Court.

5. We have heard the learned APP for the State. The learned APP submits that the report of the Police Station at Virgaon has not yet received. The learned APP, however, submits that the appropriate orders may be passed.

6. So far as the condition in clause No.(iii) is concerned, even though Special Case No.109/2021 is pending before the learned Sessions Judge, Ahmednagar, however, the trial is yet not commenced in the said case. The applicant is staying in Gangapur and since he is released on bail and is giving his attendance to the said Virgaon Police Station as directed by this Court, however, considering the conduct of the applicant – accused, his attendance in the said Police Station twice in a week may not be appropriate at present. In view of the same, we modify the condition in clause No. (iii) by directing the applicant accused to attend the said Virgaon Police Station by tendering his address of temporary residence again, on the first date of every month until the commencement of the trial.

7. So far as the condition in clause No.(ii) is concerned, we modify the said condition by directing that the applicant

Deepak shall not enter the district limits of Ahmednagar until recording of the oral evidence in the trial Court, except attending the Court dates.

8. The criminal application is accordingly disposed off.

(SANDIPKUMAR C. MORE)
JUDGE

(V. K. JADHAV)
JUDGE