

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL APPLICATION NO.3456 OF 2022
IN BA/8/2022

IMRAN KHURSHID AHEMAD SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Mr.S.L. Bhapkar, advocate for the applicant.
Mrs.V.S. Choudhari, APP for respondent/State.
Mr.Shaikh Mazhar A. Jahagirdar, advocate for the complainant.

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CORAM : S.G. MEHARE, J.
DATE : DECEMBER 06, 2022

PER COURT :-

. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.

2. The applicant is seeking relaxation of the condition of staying outside Latur district till conclusion of the trial.

3. Learned counsel for the applicant would submit that the applicant is young boy of 28 years old. He has liability to maintain and look after his parents. During the period of bail, he did not jump the conditions imposed against him. It is difficult for him to stay outside the district as he has no source of income. It is found most expensive for him to stay outside Latur district. However, he is ready to stay outside Udgir Taluka with a leave to attend the

trial at Udgir District Court.

4. Learned counsel for the complainant opposing application has vehemently argued that the order granting bail has been challenged before the Hon'ble Supreme Court and it is pending. He would argue that the applicant is forming a gang. There are many antecedents against the applicant. It would be harmful to relax the condition. He may commit another crime, if the condition is relaxed. He would also argue that the present applicant threatened the complainant and witnesses in the Court at Udgir. The report of the said incident has been lodged. Considering the conduct of the applicant, the application deserves to be dismissed.

5. In reply, the learned counsel for the applicant would argue that when the applicant had been to the Court to attend the trial, a false complaint has been lodged. The Police did not take cognizance of the said report to date. It was a created ground to keep the applicant away from his right to seek relaxation of condition.

6. Learned counsel for the complainant would submit that he did not lodge the application for cancellation of bail for breach of the conditions.

7. It is not in dispute that the order granting bail is pending before the Hon'ble Supreme Court. It may take its own time. It was a fact that there were counter reports lodged by the complainant and the present applicant against each other. No cognizance of threat to the witnesses has been taken. The trial may take its own time. The applicant has been released on bail by this Court on 16th February, 2022. Since then, he is residing out of the Latur district. The Court while granting bail has observed that there were no criminal antecedents to the discredit of the applicant. His alleged role was also considered with the fact of counter report. The applicant being student may have no source of income. There appears substance in the argument of the learned counsel for the applicant that the applicant is facing the financial difficulties to stay out of the Latur district. The possibility of creating a ground of threatening the witnesses can not be ruled out. Considering the entire aspect, the application deserves to be allowed. Hence the following order :-

ORDER

- (i) The application is allowed.
- (ii) The condition imposed against the applicant not to enter Latur district till the conclusion of trial by this Court by its order dated 16th February, 2022 is modified. Instead of the Latur district, the applicant shall not enter Udgir

Taluka except for attending the Court for trial.

(iii) Criminal Application No.3456 of 2022
stands disposed of accordingly.

(S.G. MEHARE, J.)

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