

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1608 OF 2022

SANDHYA W/O. RAJENDRA DAGA AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Arora Shyam C.

APP for Respondent No.1/State : Mr. P. N. Kutti

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CORAM : KISHORE C. SANT, J.

DATE : 21st NOVEMBER 2022.

Per Court :

Heard learned Advocate for the Petitioner and learned APP for Staet, who fairly shown readiness to work out the matter on the first day.

1. By order dated 17.10.2022, the learned Additional Sessions Judge, Jalna while allowing the application bearing no. 1173/2022 seeking Anticipatory Bail has put a condition that these Petitioners shall attend the Police Station, Jalna thrice a week i.e. every Monday, Wednesday and Friday between 11:00 am. to 01:00 pm. All the

Petitioners are regularly attending the Police Station. He has produced on record a photocopy of entries of diary, showing that they have attended the Police Station regularly.

2. The Petitioners thereafter preferred Criminal Bail Application No. 1215/2022 to the Court of learned Sessions Judge, Jalna for relaxation of the condition. By order dated 19.11.2022, the said application came to be rejected. It is this order against which, the present Petitioners are before this Court.

3. It is the submission of the learned Advocate for the Petitioners that Petitioner No. 1 and 2 are senior citizens. Petitioner No.1 is a lady, 66 years of age, whereas Petitioner No.2 is of 72 years of age. They are residence of Hinganghat, District Wardha and they are required to attend the Police Station at Jalna. The distance between these two places is about 400 Kms. Considering health condition and age, they find it difficult to attend the Police Station thrice in a week. Therefore he prays for relaxation of the condition. So far as Petitioner No.3, he is also resident of the same place.

4. Learned APP vehemently opposed this petition stating that there are serious allegations against these Petitioners and therefore it is necessary to ensure their attendance and prays for rejection of this petition.

5. Considering the submissions and considering the fact that the Petitioner No. 1 and 2 are senior citizens, it is desirable to relax the condition to some extent. The main purpose behind directing the Police attendance is to ensure that the Petitioners do not jump away and are available for the purpose of trial. Considering these aspects, it would be in the interest of justice to relax the condition to some extent and instead of attending the Police Station thrice a week, interest of justice would be served by directing the Petitioners to attend the Police Station twice a month. Hence the following order.

ORDER

- (i) The order dated 17.10.2022 passed by the learned Additional Sessions Judge in common order is modified only to the extent of these Petitioners.

(ii) The Petitioners shall attend the Police Station, Jalna once in two weeks i.e. on 2nd and 4th Sunday between 11:00 am. to 01:00 pm.

(iii) All other conditions to remain the same.

6. With this, the Writ Petition is disposed off.

[KISHORE C. SANT, J.]

Najeeb.