

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1248 OF 2022****IN****CRIMINAL APPEAL NO. 909 OF 2021**

Arvind Baburao Deshpande

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Ms. Rati S. Sinhasane for Appellant/Applicant.

Mr. S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 23rd June 2022.****PC. :**

1. This is an application for relaxation of condition Nos.(iii) & (v) imposed upon the Applicant, while releasing him on bail by Order dated 26th November 2021 passed in Interim Application No. 2685 of 2021.

2. Condition Nos.(iii) & (v) reads as under :-

“(iii) The Applicant shall report to the Trial Court once in two months on the day/date specified by the Trial Court, till the Appeal is finally disposed of.

(v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.”

3. Learned Advocate appearing for Applicant submitted that, the Applicant as of today is about 78 years of age. That the Applicant is suffering from RT CVA (Hemiparesis) and is unable to speak (Aphasia) due to infarction in LT brain arteria. She submitted that, the Applicant is therefore unable to perform regular movements. That, the Applicant was recently hospitalized in the month of January due to the same. She on instructions submitted that, as of today, the Applicant is bed ridden and is unable to attend the concerned Court. That the Applicant has complied with rest of the conditions imposed by the Order dated 26th November 2021. Therefore the said condition Nos.(iii) & (v) may be relaxed.

4. There is no dispute about the facts mentioned by the learned Advocate for the Applicant and stated on oath in the application. Applicant as of today is 78 years of age. The Medical Certificate issued by Dr.Rajendra Bhagwat of Nirmay Hospital, Sangli, supports the contention of Applicant.

5. In view thereof and for the reasons stated in the Application, the said condition Nos.(iii) & (v) are hereby relaxed.

It is however made clear that, the Applicant may have to attend this Court, if so directed, at the time of hearing of the Appeal.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]