

3. Clause 6 of para 9 of the order dated 16th March 2020, of which modification is sought, reads thus:-

“9.

6. The applicant/accused shall not enter in the territory of Girgaon Division, Mumbai, except to attend the concerned police station.”

4. Learned Counsel for the petitioner states that after the said order dated 16th March 2020 was passed enlarging the petitioner on bail, on certain terms and conditions, charge-sheet was filed as against the petitioner on 10th August 2020. Learned Counsel for the petitioner submits that after filing of the charge-sheet, the petitioner filed two applications seeking modification of the said condition i.e. clause 6 of para 9 of the order dated 16th March 2020. He states that the both the said applications were rejected by the trial Court vide order dated 19th October 2020 and 10th March 2021 respectively. Learned Counsel for the petitioner submits that the petitioner is a senior citizen and is required to stay outside the territory of Girgaon Division, Mumbai, thus causing tremendous hardship to the petitioner and his wife. He submits that the petitioner is required to attend the society office from time to time and is required to prepare the accounts for the year 2019-2020 and 2020-2021. He submits that the

complainant in the said case has been transferred in 2020, as a Principal in a school at Palghar. Learned Counsel relied on the said notification, which is on page 142 of the petition.

5. Learned APP, on instructions, does not dispute the fact that the First Informant/complainant is now transferred to a school at Palghar. He also does not dispute the fact that the investigation is complete and charge-sheet is filed.

6. Perused the papers. An FIR was registered as against the petitioner on 24th September 2020 under Sections 3(i)(b)(c)(ii), 3(1)(q)(r)(s) (u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ('SCST Act'). Pursuant thereto, the petitioner was arrested and was released on bail on 16th March 2020. The operative part of the said order releasing the petitioner on bail is from page numbers 86 to 88 of the petition. Several conditions were imposed on the petitioner whilst releasing him on bail including the aforesaid condition i.e. clause 6 of para 9 of the order dated 16th March 2020, which is reproduced hereinabove. It is not in dispute that after the petitioner was released on bail, the police filed charge-

sheet as against the petitioner in August 2020. The allegation in the FIR/charge-sheet is that the petitioner was harassing the complainant who was the Principal in the Aryan High School at Girgaon, Mumbai. As noted earlier, the complainant is now transferred as a Principal of a school at Palghar and is no more working in Aryan High School at Girgaon, Mumbai, where the alleged incident is stated to have taken place. Charge-sheet has also been filed as against the petitioner. The petitioner is a senior citizen, who is staying outside the territory of Girgaon Division, Mumbai with his wife, since his release on bail i.e. since March 2020. It also appears that the witnesses statements have been recorded under Section 164 of the Code of Criminal Procedure and as such the question of tampering will not arise. Even otherwise, the learned Judge whilst releasing the petitioner on bail has imposed several conditions on the petitioner i.e by way of clause Nos.4, 5, 11, 12, 13, 14 etc.

7. Learned Counsel for the petitioner states that the petitioner will comply with all the aforesaid conditions.

8. Needless to state, that if there is a breach of any of the

conditions as imposed by the trial Court, the prosecution is always at liberty to file an application seeking cancellation of petitioner's bail.

9. Considering the aforesaid, the petition is allowed and the condition set out in clause 6 of para 9 of the order dated 16th March 2020 passed by the learned Additional Sessions Judge and Special Judge under SCST (POA) Act, City Civil & Sessions Court, Greater Mumbai in Bail Application No.214 of 2020, stands relaxed.

10. Accordingly, the petitioner is now permitted to enter the territory of Girgaon Division, Mumbai. It is made clear, that rest of the conditions imposed vide order dated 16th March 2020, shall remain as it is.

11. The Petition is allowed and disposed of in above terms.

12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.