

(modified as per order dated 4/8/2022)

Ashwin Kumar Liladhar Shah .. Applicant

Versus

The State of Maharashtra & anr. .. Respondents

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KaranSinh Rajput i/b Rashmi Pendse for the Applicant.
S.V. Gavand, A.P.P. for the State/Respondent.
R.S. Raut, PSI, MRA Police Station.

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CORAM: BHARATI DANGRE, J.
DATED : 29th JULY, 2022

P.C:-

1. By the present application, the applicant who is a Solicitor seek exemption of two conditions, subject to which he was released on bail by the Additional Sessions Judge on 28/03/2022 in CR No. 75 of 2022. The applicant was accused of offences punishable under sections 332 read with 34 of IPC and while releasing him on bail, certain conditions were imposed upon him. Condition Nos. 4 and 7 read thus:

“4. He shall appear before concerned Police Station every Thursday in between 12:00 p.m to 1.00 p.m. till framing of charge-sheet.

7. He shall not leave local jurisdiction of this Court, till conclusion of trial.”

2. It is not the case of the prosecution that the applicant had not abided by the said condition of attendance.

3. The learned counsel would submit that the applicant is an Advocate and Solicitor by profession with a practice of more than 44 years and by the onerous condition of restricting him to the local jurisdiction would amount to depriving him of his fundamental right to travel throughout the country. The condition imposed by the Sessions Judge is clearly in the teeth of his fundamental right of free movement anywhere in the country, and, therefore, the said condition deserve to be revoked and is revoked.

4. As far as condition of the applicant reporting to the police station is concerned, interest of the prosecution as well as the applicant can be better served, if he reports to the police station once in a trimester instead of once in a week, till filing of the charge-sheet. Hence, the applicant is directed to attend the concerned police station on every first Thursday of the trimester between 10.00 a.m. and 12.00 noon till filing of the charge-sheet. With the aforesaid modification, the application is disposed off.

(SMT. BHARATI DANGRE, J.)