

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.188 OF 2022

Swaraj @ Shakti Nilanjay Wadekar		Applicant
Versus		
The State of Maharashtra		Respondent

Ms Supriya Kak for the Applicant.
Mrs. P.N. Dabholkar, APP for the State.

CORAM : N.J. JAMADAR, J.
DATE : 8th JULY, 2022

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking modification of the condition imposed by the learned Special Judge, MCOCA Court, Pune, while releasing the applicant on bail in connection with C.R. No.82 of 2021 registered with Khadak Police Station, Pune City, for the offences punishable u/s.120B, 307, 143, 147, 148, 149, 506(2), 109 and 507 r/w.34 of the Indian Penal Code, 1860 ("the Penal Code"), Section 37(1) r/w. 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law Amendment Act and Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. The condition, of which the applicant seeks modification, reads as under:-

“3. The applicant is directed not to enter within the jurisdiction of Pune and Pimpri Chinchwad Corporation, for the period of two years from the date of passing of this order, except for attending the Court cases, without prior permission of this Court.”

4. I have perused the order. It does not indicate any grounds which weighed with the learned Special judge to impose the condition not to enter the jurisdiction of Pune and Pimpri Chinchwad Corporation, for the period of two years. The learned Special Judge has observed that there was only one offence registered against the applicant and he was acquitted therein. If that is the position, the condition not to enter the jurisdiction of Pune and Pimpri Chinchwad Corporation, for the period of two years, appears onerous, and constitutes unjustifiable impingement on the fundamental freedoms of the applicant.

5. I am thus inclined to modify the condition as under:-

The applicant - Swaraj @ Shakti Nilanjay Wadekar shall not enter the limits of Khadak Police Station, Pune for the period of two years from 19.03.2022, without prior permission of the learned Special Judge.

6. The application stands disposed.

(N. J. JAMADAR, J.)