

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 858 of 2022

Pravin Harkishan Malkani .. Applicant
Vs.
State of Maharashtra .. Respondent

Ms. Swarali Joglekar for the applicant.
Smt. Veera Shinde, APP for the State.

**CORAM : BHARATI DANGRE, J.
DATE : SEPTEMBER 16, 2022.**

PC.:

1. Not on board. Taken on board.
2. The applicant is charged for the offences punishable under section 498A, 336, 341, 323, 506 read with section 34 of Indian Penal Code in connection with C.R. No. 311 of 2018 registered with Juhu Police Station. The applicant seeks relaxation of the condition imposed upon him while he was released on bail.
3. By an order dated 25 September, 2018, the applicant was admitted to protection from arrest, specifically recording that FIR did not reveal any specific allegation against the applicant falling within the ambit of Section 498-A of IPC, for which his custodial interrogation would be warranted. As a condition, the applicant was directed to report to Juhu Police Station on first Sunday of every month till the conclusion of trial. Similarly, another condition restricted his movement, as a condition was imposed that he shall not leave India without prior

permission of the Court.

4. Since the applicant abided by the said conditions and found it onerous to report to the police station every month and since he was frequently required to travel abroad, as his one daughter is working in London and another daughter is studying in Wales in UK. At times he is required to visit London without much prior notice and seeking permission from the Court consumes some time and causes lot of inconvenience and that is the reason he approached the Sessions Court seeking relaxation of the bail conditions.

5. By order dated 26th April, 2022, the condition of the bail was relaxed and the applicant was directed to attend concerned police station once in every two months but the other condition of seeking prior permission for travelling abroad came to be rejected by the Sessions Court.

6. Heard learned counsel for the applicant and the learned APP. It can be seen that the applicant was admitted to protection four years before and he has beautifully abided by the said conditions. It is not the case of the prosecution that there was breach of the conditions of bail. It is also not the case of the prosecution that the applicant is likely to abscond and will not face the trial. In the circumstances, when he seeks relaxation of the condition of seeking prior permission of the Court, I do

not find any justification for insisting upon continuation of the said condition and the learned Sessions Court has failed to justify its insistence. The applicant has stated in the application the reason for his frequent travel and he has travelled abroad during the pendency of the application on various occasions in the preceding three years, of course with the permission of the concerned Court. However, since it is submitted that even for the business purposes he is required to travel abroad and the trial is lingering for the last four years, I feel it appropriate to relieve him of the condition of seeking permission of the Court every time he wants to travel abroad. But at the same time, before he has to travel abroad, he has to submit itinerary to the concerned police station where he marks his attendance and shall keep the Investigating officer updated about his programme including the date on which he is likely to leave India, 10 days prior to his scheduled programme. He shall also intimate the Investigating officer about his return.

7. With this above condition being imposed upon him, condition no. (vi) in the order dated 25 September, 2018 is relaxed. He shall, however, continue to act as per the above directions.

8. Application is allowed.

(SMT. BHARATI DANGRE, J.)