

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1473 OF 2019

IN

BAIL APPLICATION NO. 774 OF 2017

Balu Shantaram Shinde

.....Applicant

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Saurabh Butala for the Applicant.

Smt. Veera Shinde APP, for the Respondent-State.

Smt. Shradha Sawant for the Respondent No.2.

CORAM : A. S. GADKARI, J.

DATE : 24th MARCH, 2022.

P.C.:-

This is an Application for relaxation and modification of condition No.(ii) imposed upon the Applicant while releasing him on bail by this Court by its Order dated 31st October, 2017.

Condition No.(ii) of Order dated 31st October, 2017 reads as under-

“(ii) Both applicants shall not enter the jurisdiction of Superintendent of Police, Pune rural till the conclusion of trial.”

2 Mr. Butala learned Advocate for the Applicant submitted that, since his release from Jail, the Applicant scrupulously followed the said

condition and has not committed breach of the same till today. He submitted that, in the last 4 years, the prosecution has not taken efforts to commence the trial. He further submitted that, due to the said condition, the Applicant is suffering great hardship in his life and therefore, the said condition may be relaxed and/or modified.

3 Smt. Sawant, learned Advocate for the Respondent No.2 vehemently opposed the Application and submitted that, the said condition may not be relaxed or modified.

4 Learned APP on instructions submitted that, the trial of the said case i.e. CR. No.200 of 2015 registered with Vadgaon Maval Police Station, District Pune (Rural) is now transferred to the Court of Additional Sessions Judge at Vadgaon Maval. She fairly conceded to the fact that, the charge has not been framed by the prosecution in the said case till date.

5 It is a matter of fact on record that, since the date of his release from Jail, the Applicant has scrupulously followed the condition imposed upon him and has not committed any breach or violation of it. That, the trial of the said sessions case is yet to be commenced and the prosecution is not certain about the time which may require to take it to its logical end.

6 In view of the above, I am inclined to relax the condition No. (ii) imposed upon the Applicant.

The condition No.(ii) is accordingly relaxed and the Applicant is permitted to enter the jurisdiction of Superintendent of Police Pune

(Rural).

7 It is however made clear that, the Applicant shall comply with the condition No.(iv) imposed upon him by Order dated 31st October, 2017 and shall not seek relaxation of the said condition till the conclusion of trial.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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