

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.558 OF 2022

Smt. Sarladevi Santoshkumar Singh

Vs.

The State of Maharashtra, Through its Police Station Officer, Police Station, Hingna,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abdul Subhan, Advocate for applicant.
Mr. S. S. Doifode, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/04/2022

1. Heard Mr. Abdul Subhan, learned counsel for the applicant and Mr. Doifode, learned APP for the non-applicant/State.

2. The application challenges the impugned order dated 22.03.2022, passed by the learned Sessions Court, rejecting the application filed by the applicant for relaxation of condition imposed upon the applicant while passing the order dated 17.02.2022 on her application for grant of anticipatory bail. The order dated 17.02.2022 had imposed the condition that the applicant would be required to attend Police Station, Hingna on every Monday in between 1.00 p.m. to 3.00 p.m. till filing of the charge-sheet. However, the applicant did not attend

the Police Station and thereby violated the aforesaid condition, as contained in the order dated 17.02.2022.

3. On 11.03.2022, an application for relaxation of the aforesaid condition came to be filed, which was rejected by the impugned order, on the ground that she has not co-operated during the investigation and no documents were filed on record in support of the aliment, which the applicant was claimed to have been suffering so as to seek relaxation of the above condition.

4. Mr. Subhan, learned counsel for the applicant submits that the applicant had never run the business, which in fact was run by her son, as her power-of- attorney. That apart, the age of the applicant which is 67 years is basically sought to be pressed as the ground for relaxation of condition.

5. Mr. Subhan, learned counsel for the applicant, on instructions, submits that the applicant shall attend the concerned Police Station on 25.04.2022 and in case her further presence is required, she would attend the police station as when intimated, in case the said condition is relaxed.

6. Mr. Doifode, learned Additional Public Prosecutor opposes the application and submits that

there is already violation committed by the applicant and the impugned order needs no interference.

7. No doubt, that in spite of the aforesaid condition to attend the Police Station on every Monday between 1:00 p.m. to 3:00 p.m. till filing of the charge-sheet in the order dated 17.02.2022, the applicant has failed to attend the Police Station, however, considering the age of the applicant, which is 67 years of age and the nature of the offence and specifically the submission that the business was being run by her son as her power-of-attorney and accepting the statement made above regarding the applicant attending the Police Station on 25.04.2022 and since the very purpose of imposing the condition to attend the Police Station, which is to secure the presence of the accused and to ensure her/his co-operation, is served, in view of the specific statement made in para 5 of the affidavit dated 22.04.2022 and considering the age of the applicant and the fact that she is a senior citizen and a woman, the impugned order is hereby quashed and set aside and the application filed by the applicant for relaxation of condition No.(3) imposed in the order dated 17.02.2022 is hereby allowed, subject to the conditions that the applicant shall attend the concerned Police Station on 25.04.2022, between 12:00 noon to 4:00 p.m. and shall co-operate with the Investigating Officer in all respects

and shall further attend the concerned Police Station as when intimated by the Investigating Officer.

8. It is made clear that any violation of these conditions, shall not be countenanced, if it so happens.

9. The criminal application is accordingly allowed and disposed of. No costs.

JUDGE

Sarkate