

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

CRIMINAL APPLICATION (APL) NO. 484 OF 2022

Chandrakant Veerantappa Gajjari

...Versus...

State of Maharashtra

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

Court's or Judge's orders

Mr. S.S.Paliwal, Advocate for the applicant
Ms. T.H.Udheshi, APP for respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 12/04/2022

Heard Mr. Paliwal, learned counsel for the applicant and Ms. Udheshi, learned APP for respondent/State.

2] The application challenges the order dated 24.2.2022, granting bail in so far as, it imposes condition no. (iv) requiring the applicant, amongst other applicants to mark attendance at Police Station Awadhutwadi, Yavatmal, on any one day of March 2022, in the first week.

3] An application for relaxation of condition no.(iv) came to be filed by all the applicants and the learned Sessions Court by the order dated 21.3.2022, relaxed condition no.(iv) in so far as the female applicants were concerned, however, in so far as the present applicant, the request was rejected and the applicant was directed to mark attendance at

Awadhutwadi Police Station on 10.4.2022 at 11.00 a.m. The impugned order however does not stop there, but goes on to state that in default, the Investigating Officer shall intimate the Court and the Court may proceed for order of cancellation of bail in same petition for which the file would be taken on board with intimation to advocate Mr. Dhakhore for the applicants therein and no separate notice will be issued to the clients. In my considered opinion the latter part of the impugned order dated 21.3.2022 was totally uncalled for, as any cancellation of bail would have to be considered after due notice and on the parameters applicable for cancellation of bail. Even the impugned order in so far as it requires the present applicant to mark attendance at Awadhutwadi Police Station on 10.04.2022 at 11.00 a.m. does not spell out any specific reason as to why the attendance was necessary, and specifically so considering that all the other applicants who were also resident of the same place where the present applicant is residing, were granted relaxation, whereas the applicant was singled out, merely on the ground as appears that he is a male.

4] Nothing has been spelt out, considering that the applicant was also resident of Gulbarga, Karnataka, why his presence was necessary to be marked with the Police Station Awadhutwadi on 10.4.2022, considering which the impugned order in so far as it relates to applicant no.3 is hereby quashed

and set aside and the application for relaxation of bail of condition no.(iv) filed by the present applicant is hereby allowed. No costs.

JUDGE

Rvjalit