

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

CRIMINAL APPLICATION (APPP) NO. 813 OF 2022

IN

CRIMINAL APPLICATION (BA) NO. 228 OF 2022 (D)

Rajendrakumar S/o. Brijkisor Jaiswal

...VERSUS...

The State of Maharashtra thr. P.S.O., P.S. City Kotwali, Akola, Tq. and Distt. Akola

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

Court's or Judge's order

Shri S.P.Dharmadhikari, Senior Advocate assisted by Shri A.R.Deshpande,
Advocate for applicant.
Shri M.A.Kadukar, APP for respondent/State.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 14th September, 2022.

The present application is filed by the applicant for relaxation of conditions imposed by this Court by order dated 11/04/2022 while granting bail.

2. It is submitted by the learned counsel for the applicant that the complainant lodged the complaint against the applicant for the offences punishable under Sections 420, 461, 468, 471 & 409 of Indian Penal Code. The allegations leveled by the complainant under F.I.R. was that the applicant herein forged the signatures of his father in the year 1973 for procuring the Liquor License in the name of partnership firm and in the year 1987 for replacing the name of the father of the applicant.

3. Thereafter, the applicant had applied for grant of anticipatory bail, which came to be rejected by the learned Trial Court as well as

by the High Court and also by the Hon'ble Apex Court. However, seven days' time was granted to the applicant to surrender. Thereafter, the applicant had filed an application before learned Chief Judicial Magistrate, Akola seeking bail under Section 437 of the Code of Criminal Procedure. The learned Chief Judicial Magistrate, Akola rejected the application filed by the applicant vide order dated 22/02/2022. Then, on the same day i.e. on 22/02/2022, the police authorities had taken the applicant into custody. Thereafter, the applicant had applied for regular bail before learned Sessions Judge, Akola, which came to be rejected.

4. Then, the applicant had filed Criminal Bail Application No. 228 of 2022 before this Court. After hearing the complainant through prosecution, this Court by order dated 11/04/2022 had granted bail to the applicant on certain conditions. One of the condition is that, the applicant, till charge-sheet is filed, shall reside outside the District of Akola and shall intimate his place of residence as well as his mobile number. Also the other condition is that the applicant was directed to appear before the Investigating Officer on every Monday and Thursday between 12.00 noon to 05.00 p.m., and shall assist the prosecution in all manner, till charge-sheet is filed.

5. The main reason for seeking relaxation is that the charge-sheet is yet not filed by the police authorities. The applicant has followed the conditions imposed by this Court while granting the bail and regularly attending the concerned Police Station. It is the contention that he is required to stay at Akola due to medical reason also.

6. The learned Asst. Public Prosecutor opposed the application on the ground that some facts are to be verified from the Chennai Office about PAN Card and other documents. For the same reason, one month's time was granted on 04/08/2022 as per the request of learned APP. However, there is no report placed on record showing progress.

7. In view thereof, in my considered opinion, it would be appropriate to relax the conditions in Clause (v) and (vii) imposed by this Court by order dated 11/04/2022 while granting bail. The conditions in Clause (v) and (vii) are hereby deleted.

8. The applicant is hereby directed to attend the concerned Police Station as and when required and as per the advance notice of two days by the concerned Police Station. Other conditions will remain as it is in the order dated 11/04/2022 passed by this Court.

9. The application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar