

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 CRIMINAL APPLICATION NO.228 OF 2019
IN APPLN/3449/2017 WITH APEAL/306/2017

NAMDEO S/O. VYANKATRAO GHUGE
VERSUS
THE STATE OF MAHARASHTRA

Mr. Jitendra N. Ghuge, Advocate for the applicant
Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 17th APRIL, 2023

P. C.

1. Heard the learned advocate for the petitioner and
learned APP for the respondents/State.

2. The applicant is only praying for relaxation of
condition i.e. Condition No. 2(i) and 2(ii) which read as under:

[i] Pending disposal of the appeal, the applicant shall appear and record his appearance before the Anti Corruption Bureau, Parbhani on last working day in every month in between 10.00 am to 12.00 noon till disposal appeal.

[ii] The applicant shall not leave Parbhani City without intimating the Anti Corruption Bureau, Parbhani.

3. It is submitted by the learned advocate for the applicant that his client is regularly attending the police station and he has also furnished photo copies of the diary showing the applicant is attending the police station regularly. He submits that the appeal is admitted in the year 2017 and even now there are no chances of listing the appeal for final hearing. The applicant is now in advanced age of 69 years and still he is required to attend police station every month. By clause 2(ii) whenever he requires to go out of station, he finds it difficult to get permission from the Anti Corruption Bureau, Parbhani. He submits that in any case applicant is not likely to abscond as he is convicted in the Anti-corruption matter. If he succeeds in the appeal, the applicant would get all the pensionary benefits.

4. Learned APP submits that in fact to ensure his presence in the appeal this condition was imposed by this court and there is no reason to relax the condition.

5. After hearing the parties, this court finds that there is no propriety in keeping these conditions in force even after 5-6 years of the admission of the appeal. It is not certain when the matter would come up for final hearing. In view of above, said conditions referred above are relaxed and same shall be substituted as below:

[i] The applicant shall inform the Anti Corruption Bureau, Parbhani about his contact details like residential address and mobile number, if there is any change.

6. With this, the application stands disposed off.

[KISHORE C. SANT, J.]