

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.3376 OF 2023

RAHUL MADHUKAR PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S. S. Jadhavar, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th OCTOBER, 2023.**

PER COURT:-

1. The applicant aggrieved by the order dated 01.08.2023 passed by the Special Judge, Osmanabad in Criminal M.A. No.37/2023 approached this Court under Section 439-B of the Criminal Procedure Code.

2. Mr. Jadhavar, learned Advocate appearing for the applicant submits that the applicant is an accused in Crime No.459/2022 registered with Umerga Police Station. The applicant has been released on bail vide order dated 03.09.2022 with condition that he shall attend the police station once in a week i.e. on Saturday. He would submit that the applicant complied with such condition for almost three months. Thereafter, the condition of attendance was modified and he was asked to attend the office of the Anti-Corruption Bureau, Osmanabad on every Friday till filing of the charge-sheet. The said condition is also complied with.

3. Mr. Jadhavar, learned Advocate further submits that after revocation of the suspension from service, he has been

posted at Gadchiroli on the post of Purchase Officer at District Supply Office. Because of longer distance, it was impossible for the applicant to attend the office of the Anti-Corruption Bureau, Osmanabad every week. Hence, an application was moved before the Special Judge for relaxation of the condition. By impugned order, the prayer of the applicant is partly considered and instead of weekly attendance, he is directed to monthly attend the office of Anti-Corruption Bureau, Osmanabad. According to Mr. Jadhavar, learned Advocate sufficient period has been lapsed from the date of registration of crime. The investigation is considerably progressed. The monthly attendance of the applicant as directed by the Court would not be necessary. He submits that the applicant would continue to co-operate with the investigating machinery and attend the office of the Anti-Corruption Bureau, Osmanabad as and when required, instead making him to attend the office of the Anti-Corruption Bureau, Osmanabad on monthly basis as per the impugned order.

4. The learned APP strongly opposes the prayer. She would submit that the open enquiry in respect of the offences against the applicant is going on. The statement of the applicant is partially recorded on 31.05.2023. However, thereafter applicant has not co-operated, hence, further investigation is stalled. An apprehension is raised that relaxation of the condition may hamper the investigation.

5. Having considered the submissions advanced, it is apparent that the applicant has diligently followed the condition imposed by the Court while releasing him on bail and there is no allegation of default. Apparently, the applicant is co-operating with the investigation. Presently the applicant is posted at Gadchiroli. The distance between Osmanabad and Gadchiroli is

stated to be almost 600 kilometers. It can be visualized that, it would be difficult for any employee to travel such distance every month. However, considering the interest of the prosecution/investigating agency, presence of the applicant needs to be secured. In that view of the matter, the purpose would be served, if the applicant is directed to attend the office of the Anti-Corruption Bureau, Osmanabad, on service of advance written notice of atleast 15 days. For that purpose, applicant shall update his contact numbers and E-mail address with the office of the Anti-Corruption Bureau, Osmanabad. The investigating agency shall be at liberty to serve the notice to the applicant requiring his attendance through electronic mode and the applicant shall attend the office of the Anti-Corruption Bureau, Osmanabad on the given date.

6. In that view of the matter, following order is passed:-

ORDER

- a. The application is partly allowed.
- b. The condition no.2 imposed under order dated 01.08.2023 in Criminal M.A. No.37/2023 is modified.
- c. The applicant/accused shall attend the office of the Anti-Corruption Bureau, Osmanabad on stipulated date as per advance written notice of 15 days sent through electronic mode by the office of the Anti-Corruption Bureau, Osmanabad till filing of the charge-sheet.

(S. G. CHAPALGAONKAR)
JUDGE