

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

24 CRIMINAL APPLICATION NO.3833 OF 2023
IN BA/1160/2023 WITH APPLN/3834/2023 IN BA/1161/2023

SHAIKH CHAND PASHA SHAIKH SAILANI
VERSUS
THE STATE OF MAHARASHTRA
...

Advocate for Applicants : Mr. G R Syed
APP for Respondents: Mr. S.P. Deshmukh.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 1st NOVEMBER, 2023

ORDER :-

By this application, the applicant seeks relaxation of conditions imposed by this Court in the bail order dated 18th July, 2022 in Criminal Application No. 1160 of 2023 and 1161 of 2023 in connection with Crime Nos. 29 of 2022 and Crime No. 64 of 2023 registered with police station, Kotwali, Dist. Parbhani.

2. Learned counsel for the applicant would submit that the applicant has been enlarged on bail after considering the merits of the case and material in the charge sheet. He would submit that this Court has imposed certain conditions while granting bail. He would submit that applicant is complying with the aforesaid conditions. However, because of the condition (b) he is not in a position to find out any job or labour work and as a result thereof, he is suffering from starvation.

3. Learned APP, vehemently opposes the prayer for relaxation of condition on the ground that applicant secured bail just 3 months prior to making this application and no substantial reason is shown for relaxation of the condition.

4. Having considered the submissions advanced, apparently, this court directed release of the application on bail on following conditions :-

- [a] He shall not tamper with the prosecution witnesses.
- [b] He shall not leave Rahim Nagar, Parbhani, without leave of the concerned Police Station Officer, till conclusion of the trial.
- [c] He shall submit his mobile cell phone number/s to the police station with an undertaking that he would not change the same till conclusion of the trial.
- [d] He shall attend the trial on each effective date.

Condition (b), as stated above, puts restriction on the applicant to leave Rahim Nagar area of Parbhani without leave of the Police Station Officer. In this background, if the submissions advanced on behalf of the applicant are considered, it is possible that he is facing difficulty in getting job or doing any labour work because of the restriction on his movement. It is not the contention of the prosecution that the applicant has breached any condition after his release on bail. In this background, purpose would be served if the applicant is directed not to leave Parbhani District without the leave of concerned police station officer till conclusion of the trial. Hence, the order :-

O R D E R

- [i] The application is partly allowed;
- [ii] Condition No.(b) in the operative part of the order dated 18th July, 2023 passed by this court in Bail Application No. 1160 of 2023 and 1161 of 2023 is partially modified, which would now read thus :-

“[b] the applicant shall not leave Parbhani District without leave of the concerned Police Station Officer till conclusion of the trial.”

- [iii] The application stands disposed of accordingly.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-