



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

**937 CRIMINAL APPLICATION NO. 4363 OF 2023
IN BA/198/2021**

Dipak Rajkumar Chitra

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Ms Yogita Thorat h/f Mr N.L.
Chaudhari

APP for Respondent : Mrs P.J. Bharad

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : December 20, 2023

ORDER :-

1. By this application, the applicant seeks relaxation of condition imposed while granting bail in Crime No.111 of 2020 registered with Dhule City Police station, Dist. Dhule for the offence punishable under Sections 420, 419, 465, 466, 467 of IPC and u/s 43, 66, 66(c), 66(d), 66(f) of Information Technology Act.

2. Mrs. Thorat, learned advocate for the applicant would submit that by order dated 27.7.2022, the applicant has been enlarged on bail by putting certain conditions. The condition No. (ix) reads as under :-

“(ix) Applicant shall attend the concerned police station twice in a week i.e. on every Wednesday and

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Sunday between 10.00 a.m. and 4.00 p.m. till the conclusion of the trial.”

3. He would submit that the aforesaid condition has been partially relaxed by order of this court dated 27.7.2022 in Criminal application No.1501 of 2022 in BA No.198 of 2021. The modified condition reads as under :-

“ The applicant shall attend Dhule City Police Station, Dist.Dhule, once a month until conclusion of trial.”

4. Mrs Thorat h.f Mr Choudhari would submit that the applicant has obeyed the aforesaid conditions till this date. Now, he is residing in Shivnagar, Hissar, Haryana and hence, it is difficult for him to attend the police station at Dhule every month. He would point out that although charge is framed in the trial, there is no further progress and trial is likely to take its own course. He would further point out that Sessions Court has released co-accused without putting similar condition. Therefore, she urges that the condition of attending the police station may be relaxed.

5. Learned APP, however, opposes the prayer on the ground that applicant is required to attend the trial and at the same time, he may attend the police station. There is no difficulty in complying with the condition as modified under order dated 27.7.2022.

6. Having considered the submissions advanced, apparently, there is no allegation that applicant has breached

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any of the conditions of bail imposed while granting the bail under order dated 28.1.2022. The learned advocate for applicant would point out that the applicant is attending the trial and he has not defaulted in his attendance. There no purpose in continuing with the condition to attend the police station since charge is framed and applicant is attending the trial. It is to be noted that the co-accused person is enlarged on bail without putting similar conditions. If the applicant is attending the trial on regular basis, no purpose would be served by continuing the condition of attending the police station. In that view of the matter, a case is made out for allowing the application. Hence, the order :-

ORDER

[a] The application is allowed;

[b] Condition No. (ix) appearing in the order dated 28.1.2022 in Bail Application No.198 of 2021, which is modified by order dated 27.7.2022 in Criminal Application No.1501 of 2022, is relaxed, subject to condition that applicant shall attend each and every effective date before the trial court, without making any default.

[c] The application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

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