

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 12 OF 2023

Sajid Yusuf Electriwala

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Aditi Kothekar i/b Adv. Tabish Mooman for the
Applicant.

Ms. P. N. Dabholkar, APP for the State.

A.M. Chimankar, SPL. PP for the State.

API Tawade, ATS Mumbai.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 27, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned Special PP and learned APP for the State.
- 2.** This is an application for relaxation of a condition imposed by the Sessions Court while releasing the applicant on bail, by order dated 18/05/2022. Learned counsel for the applicant submits that condition number (iv) by which the applicant is directed not to leave Mumbai city without previous permission of this Court, is onerous.
- 3.** According to her, a request was made on an earlier

occasion to leave the city of Mumbai which was granted. The applicant reported as per the schedule. According to her, the applicant is a businessman and now has to restart his business all over again and for that purpose, he requests to relax the condition.

4. I find that order was passed by the trial Court on 18/05/2022. The applicant has not approached the Sessions Court with the request for relaxation. Learned special PP pointed out that the trial has already commenced and 23 witnesses are already examined. In this view of the matter, in my opinion, it would be proper if the applicant first moves before the trial Court for seeking relaxation of the condition imposed on him and if such an application is made, the trial Court can consider the same on its own merits. With that liberty, the application is disposed of.

5. It is made clear that I have not made any observations on the merits of the application.

(M. S. KARNIK, J.)