

Nikita

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

WRIT PETITION NO.684 OF 2023

Chetan Vasant Jawale

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Priyal G. Sarda for the Petitioner.

Mr. M.G. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 24, 2023

P.C.:

1. The petitioner is challenging order dated 17th January 2023, passed by Additional Sessions Judge Pune, rejecting application for relaxation of condition.

2. Offence under Section 307, 324, 34 of Indian Penal Code and Section 120B , 201, 34, 37(1)(3) and 135 of Maharashtra Police Act, and Section 4(25) of the Arms Act was registered against the petitioner on 29th July 2022 bearing C.R. No.189 of 2022. On an application under Section 439 of the Code of Criminal Procedure, 1973, the learned Sessions Judge by order dated 29th November 2022 directed release of petitioner on bail, subject to the conditions. Condition No. 3 restrained the petitioner from leaving India without prior permission of the Court. On 28th

December 2022, the petitioner filed an application for relaxation of the condition contending that he wants to go to Philippines for further studies in B.S. Biology Program (Pre-Medicine) Doctor of Medicine M.D. at university of Visayas, Cebu City, Philippines. Details of passport were furnished. The period of the course was from 25th January 2023 to 25th January 2024. The petitioner has annexed communication dated 17th December 2019 issued by University of Visayas informing the petitioner that he is qualified for admission in the program and the petitioner needs to furnish the documents mentioned in the letter.

3. Thereafter, by communication dated 22nd January 2021 the University communicated to the petitioner nature of documents required. Thereafter, again on 3rd February 2021 details of program and payment to be made was communicated. The petitioner has annexed receipts of fees deposited with the University in the month of September 2021. All these documents shows that the petitioner intended to visit Philippines prior to registration of offence. It is stated that the petitioner has already completed two and a half years of his course, and would be required to attend third year of course in the academic year 2023-2024. It is stated that father of the petitioner is practicing as a Doctor and his mother is a graduate. The petitioner's family commands reputation in the society.

4. Perusal of First Information Report attributes role to co-accused and not to the petitioner of assault. Therefore, in my opinion, the petitioner has made out a case for relaxation of condition No.3 of the order dated 29th November 2022. However,

the petitioner shall furnish details of residence of the petitioner in Philippines to the Investigating Officer. He shall also furnish copy of his details of cellphone number in Philippines. He shall file an undertaking before this Court within two weeks from today stating that, he shall make himself available on all dates of hearing before Trial Court.

5. Subject to compliance of condition as stated above, the impugned order dated 17th January 2023 passed by Additional Sessions Judge Pune, in Criminal Bail Application No.8787 of 2022 is quashed and set aside.

6. Clause (iii) of order dated 29th November 2022 is relaxed.

7. The petitioner is permitted to travel to Philippines up to 31st January 2024. He shall return to India within three weeks thereafter and shall inform about his return to the Investigating Officer within two weeks from the date of his return to India.

8. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)