

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2416 OF 2023
IN
BAIL APPLICATION NO. 2097 OF 2022

Arjun Ramchandra Adhikari ...Applicant
vs.
The State of Maharashtra ...Respondent

Ms. Saili N. Dhuru - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 25th JULY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP. Officer from Shahapur Police Station is present.
2. This Court while allowing bail to the present Applicant on 13/09/2022, in Bail Application No. 2097 of 2022 was pleased to impose the following conditions apart from the other conditions:

“(f) The Applicant shall not step into the jurisdiction of Shahapur Police Station, except for the limited purpose of marking his attendance, till framing of charge.”

3. Apart from this condition there was also condition to attend the Police Station on first Monday of trimester between 04.00 p.m. to 06.00 p.m.. This condition is onerous as he is unable to stay alongwith his family. The Applicant is staying at Shahapur City. Whereas first informant stays in the Shahapur village. The Court of the Additional Sessions Judge, Kalyan as per Order dated 28/09/2021 was pleased to grant bail to co-accused Atish Natha Dongre and Nagesh Balaram Dukare. There are conditions imposed but there is no condition imposed similar to the present condition.

4. Learned APP submitted that there are criminal antecedents. He may be correct but that is not pointed out to the Court while granting the bail. In para no. 4, it was observed that :-

“The liberty is restored to the Applicant subject to the condition, that he shall not step into the jurisdiction of Shahapur Police Station except for the purpose of marking his attendance to the concerned police station as per the direction issued.”

5. It is true that after the release on bail as per Order dated 13/09/2022, the Applicant has attended the Police station. It is true that we do not know when charge will be framed. So considering the

above, condition not to enter jurisdiction of Shahapur Police Station till framing of charge seems to be harsh. So it can be relaxed instead of that he can be asked to give more attendance. Hence the Order:-

ORDER

- (i) Interim Application is allowed.
- (ii) Condition No. (f) imposed in the Order dated 13/09/2022 is relaxed.
- (iii) Instead of that the Applicant is directed to give attendance to Shahapur Police Station on first Monday of every month from 04.00 p.m. to 06.00 p.m. for one year.

[S. M. MODAK, J.]