

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2762 OF 2023

IN

CRIMINAL BAIL APPLICATION NO. 386 OF 2022

Nagesh Samarbahadur Singh

....Applicant

Versus

The State of Maharashtra

....Respondent

Mr. Gaurav Parkar for the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd AUGUST 2023.

P.C. :

1. This application is taken out by the applicant for to revoke or modify Condition Nos. (e) and (f) of order dated 21st December, 2022 passed by this Court (Coram: M. S. Karnik, J) in Bail Application No. 386 of 2022.

2. The learned counsel for the applicant submits that, this Court by order dated 21st December, 2022 has granted bail. While granting bail this Court has imposed some conditions on applicant out of which one condition is that, the applicant shall not enter in the areas of Greater Mumbai and Thane district. Except for attending the dates fixed by the trial Court and the applicant shall report to the nearest police station close to his residence while staying outside Greater Bombay and Thane district once in week i.e. every Sunday between 10:00 a.m. to 12:00 p.m.

3. The learned counsel further submitted that, applicant has regularly attended the police station every week as directed by this Court and he is staying outside the area of Greater Mumbai and Thane district. The applicant is businessman and he has to take care of his business. He is only earning member of his family. The applicant's wife and two minor daughters reside in Borivali (East).

4. Considering the nature of order, the applicant cannot maintain a domestic relation with his family, hence, requested to revoke the condition. Learned APP submits that, if conditions are

revoked the applicant may influence the prosecution witness. Hence, requested to reject the application.

5. I have heard both learned counsel.

6. In the present case investigation is completed and charge sheet is filed, yet trial has not commenced. The applicant is having business of cowshed. The applicant's family staying in Borivali (East).

7. The Condition Nos. (e) and (f) of bail order are as under:-

(e) The applicant shall not enter the areas of Greater Mumbai and Thane district on being released on bail except for attending the dates fixed by the trial Court in the pending proceedings.

(f) The applicant shall report to the nearest police station close to his residence while staying outside Greater Mumbai and Thane district once in a week i.e. every Sunday between 10:00 a.m. and 12:00 p.m. The details be furnished to the Investigating Officer.

6. In my view, if the applicant is permitted to enter in premises of Greater Mumbai and Thane district, it will not cause harm to other side, as also it is possible to the applicant to look after

his business and to stay with his family members.

7. In view of the above, I pass following order.

ORDER

- i. Application is allowed and disposed of.
- ii. The Condition Nos. (e) and (f) are modified as under,
 - (a) The applicant can enter the areas of Greater Mumbai and Thane district.
 - (b) The applicant shall not influence the prosecution witness.

(SHIVKUMAR DIGE, J.)