

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4243 OF 2022
IN
CRIMINAL APPEAL NO. 1088 OF 2019

Devnarayan Laxman Thakur .. Applicant/
Appellant

Versus

The State of Maharashtra & Anr .. Respondents

Mr. Rahul Arote, for the applicant/appellant.
Mr. Kirankumar Phakade for respondent no.2
Mr. Y.M. Nakhawa, APP for the State.
Mr. D.N. Kangane, PC, ACP, office, Miraroad division.

CORAM: BHARATI DANGRE, J.
DATED : 11th APRIL 2023

P.C:-

1 On 4/12/2019 the applicant came to be released on bail despite a serious objection being raised by the learned APP that he was already involved in a similar type of offence and committed the present offence, while on bail. Brushing aside the said objection the Court record that the charge-sheet is already submitted and the investigation is already complete and therefore further detention of the accused is unnecessary.

 He was released on bail subject to the condition that if he is found indulging in similar type of offence, the

prosecution will be at liberty to seek cancellation of the bail. Another condition imposed upon him read as under:

“ Till conclusion of the trial, he shall keep himself away from jurisdiction of Mira-Bhayandar Municipal Corporation ”

2 By the present application the applicant is seeking relaxation of the said condition by specifically submitting that he has a furniture shop in Kashimira area from where the raw material used to be supplied. Apart from this, it is also submitted that he has started his business in the name and style of “Ruchi Enterprises” from Jivdani Welfare Society, Kajupada, Ghodbundar Road. But because of this condition being imposed he has engaged himself in a petty job outside the jurisdiction and is posing great difficulty. It is also projected that his children are persuing education and the financial needs are not met by the family on his meager income which necessarily require that he should be permitted to enter into jurisdiction of the area and carry out his business activity which he was doing earlier.

3 The learned APP as well as the learned counsel for the respondent/complainant on specifically asked whether there is any case of misuse of liberty conferred upon the applicant by order dated 4/12/2019, the answer is in negative.

It is informed that till date even charge is not framed, on the basis of which it can be assumed that the trial is likely to consume a considerable time.

The applicant being conferred with this liberty by releasing on bail, it was never the intention of the court that he should be uprooted from his life by asking him to stay outside permanently. Down the line for last four years he has not breached any of the condition subject to which he was granted bail. It is not even the case of the complainant that he has attempted to enter into the jurisdiction and in any way tried to influence witnesses or create any pressure.

4 In the wake of the above I deem it appropriate to grant the application by relaxing the condition no.3 imposed on the applicant by order dated 4/12/2019. Needless to state that he shall however continue to abide by the other conditions imposed upon him by the very same order.

5 Interim Application No. 4243/2022 stands disposed off.

(SMT. BHARATI DANGRE, J.)