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Shamkumar Shatrughna Mandal ...Applicant
Versus
The State of Maharashtra ...Respondent

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
DATE : 13th DECEMBER, 2023

P.C. :

1. At the outset, learned Counsel for the applicant seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith, during the course of the day.

2. By this application, the applicant seeks relief under prayer clause (b) which reads thus;

“(b) The accused may be permitted to go to his native place, Bihar, during the period between 15/12/2023 to 18/01/2024.”

3. Learned Counsel for the applicant states that he has filed the present application pursuant to clause (ii) of para 8 of the order dated 17th October, 2023, passed by this Court (Coram : Revati Mohite Dere & Gauri Godse, JJ) in Interim Application No. 2686 of 2023 filed in the aforesaid appeal. The said clause (ii) of para 8 of the order dated 17th October, 2023, reads thus;

“8(ii) The applicant shall not leave the State of Maharashtra, without the leave of this Court, pending his appeal.”

4. Perused the application. The applicant is the resident of Kochi, Bihar, Rahiar Kunchi, Rahiyar Kochi, Samastipur, Taluka Hatodi, Shivaji Nagar, Bihar - 848209. The applicant wants to go to his native place, which is in Bihar, to meet his family. It is further

stated in the application that the applicant was in custody for about nine years till he was enlarged on bail and that due to his incarceration, he has not visited his native place. The applicant is a married person having aged parents.

5. Learned Counsel for the applicant has tendered an undertaking of the applicant. In the said undertaking, the applicant has stated that he will visit his native place from 15th December, 2023 and will return back to Mumbai on or before 18th January, 2024, since the next date of attendance before the Sessions Court is 20th January, 2024. In the said undertaking, the applicant has also given the address where he would be residing in his native place as well as his mobile number. The said undertaking is taken on record.

6. In view of the undertaking, the application is allowed and the applicant is permitted to travel to his native place in Bihar from 15th December, 2023 to 18th January, 2024.

7. The application is accordingly disposed of.
8. Matter to be listed on **25th January, 2024**, for recording compliance of the undertaking given by the applicant that he would return to Mumbai on 18th January, 2024.
9. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.