

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO.410 OF 2023 IN
CRIMINAL APPLICATION (BA) NO.1121 OF 2022 (D)

Sheikh Hajibaba s/o Sheikh Sarvar

Vs.

State of Maharashtra, through Assistant Commissioner of Police, Anti
Terrorism Squad, Civil Lines, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.B. Jawade, Advocate for applicant.

Shri P.K. Sathinanthan, Special PP and Shri I.J. Damle, APP for
non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : JULY 07, 2023.

By this application, the applicant is seeking
modification of condition no.(iii) in order dated 25.01.2023.

2. The applicant was arrested in connection with Crime No.2/2019 on 04.02.2019 registered with Police Station, Kalachouki, Mumbai through Anti Terrorist Squad for the offences punishable under Sections 3, 25 of the Arms Act read with Section 135 of the Maharashtra Police Act. The present applicant had preferred Criminal Application (BA) No.1121/2022. While considering the bail application of the applicant, this Court has considered the material against the present applicant and observed that considering the status and in view of the fact that the material witnesses have not supported the prosecution version, I am satisfied that there are reasonable grounds for believing that the applicant is not

guilty of alleged offence and released the applicant on bail. While releasing the applicant on bail, this Court has put the condition that the applicant shall attend the Police Station, Kalachowki, Mumbai (ATS) once in a month on first Monday of every month. Now this application filed on the ground that the offence registered at Kalachowki Police Station however entire investigation is carried out by the ATS Nagpur. The applicant is ready to put his attendance before the ATS Nagpur inspite of Kalachowki Police Station, Mumbai (ATS) on first Monday of every month.

3. The said application is strongly opposed by the prosecution on the ground that considering the criminal antecedents against present applicant the said condition was imposed. If the said condition is modified then there is every chance of tampering of the witnesses by the present applicant and prayed for rejection of the application.

4. Having heard the learned counsel for both the sides and on perusal of the bail order as well as the application, it reveals that entire investigation has been carried out by the ATS Nagpur. As apprehension raised by the learned Special PP and learned APP is concerned, that can be taken care of by imposing appropriate conditions on the applicant.

5. Considering the entire investigation is carried out by the ATS, Nagpur, it will be in the interest of justice to direct the present applicant to attend the ATS Unit at Nagpur on

first Monday of every month. The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime. On breach of any of the conditions the State is at liberty to file appropriate application for cancellation of bail. In view of that, I proceed to pass the following order:

(iii) The applicant shall attend the ATS Unit, Nagpur on first Monday of every month.

Rest of conditions are maintained as it is.

JUDGE

Wagh