

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APP) NO. 1730 OF 2022
IN
CRIMINAL APPLICATION (ABA) NO. 857 OF 2019 (D)

NIKUNJ S/O RAMAKANT HARLALKA AND OTHERS

VS

STATE OF MAH., THR. P.S.O. PS SHEGAON CITY DIST BULDHANA

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P. R. Agrawal, Advocate for applicants.
Mr. V. A. Thakre, APP for respondent State.
Mr. S. V. Sirpurkar, Advocate assist to prosecution.

CORAM : BHARATI DANGRE J.

DATE : 31/01/2023

By the present application, the applicants seek modification of condition No.4 imposed upon them while they were admitted to protection from arrest in Criminal Application (ABA) No. 857 of 2019 on 21/01/2021.

2. The applicants approached this Court apprehending their arrest in C.R.No.483/2019, which invoked offences punishable under Sections 498-A, 365, 506 read with Section 34 of the Indian Penal Code.

3. On being satisfied with the argument of the custodial interrogation of the applicant is not necessary, they were admitted to protection in the following condition being specifically imposed :-

“(iv) The applicants shall not leave the country and surrender their passport to the concerned police station.”

4. It is noted that on 03/03/2022 the condition was slightly modified for return of the passport since the applicants wanted to apply for visa since they were desirous of leaving the country. Apart from this, by order dated 02/05/2022, the applicants were permitted to travel abroad.

5. In the wake of the aforesaid sequence of events, I see no reason why the applicant is seeking complete exemption from the condition No.4. If at all the applicants are desirous of travelling abroad, they can approach this Court and I deem it appropriate to modify the condition No.4 to the extent of permitting the applicants to take out an application whenever they are desirous of travelling abroad. Condition No.4 of the order therefore stands replaced as under :-

“(iv) Whenever the applicants are desirous of travelling abroad they shall seek appropriate permission from this Court.”

6. Application is disposed of.

[BHARATI DANGRE J.]