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11.appp.1571.2023

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

CRIMINAL APPLICATION (APPP) NO.1571 OF 2023

IN

CRIMINAL APPLICATION (BA) NO.1342 OF 2022 (D)

Niraj Guruldas Wadhwani

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Ramnagar,
Gondia

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

Court's or Judge's orders

Mr. Atharva S. Manohar, Advocate for applicant.

Ms. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/12/2023

1. By this application, the applicant is seeking the relaxation of the condition which are imposed while releasing him on bail.

2. By order dated 11.01.2023, this Court while granting bail to the present applicant imposed condition No.(vii) which reads as under:

“The applicant shall not enter the territorial jurisdiction of Gondia District without prior permission of the Court, till the trial is over.”

3. Learned Counsel Mr. Atharva Manohar submitted the similar condition was imposed on the other accused namely Uday Goplani against whom the serious allegations are levelled in the said FIR, this Court modified the condition and permitted the co-accused Uday Goplani to visit the Gondia. Now, investigation is

completed and charge sheet is filed. The present applicant wants to visit Gondia to meet his family members as well as he is business man carries the business in the district Gondia. His business is hampered and, therefore, he be permitted to visit Gondia for his business purpose twice in a week.

4. Learned APP strongly opposed the application on the ground that there are criminal antecedents against the present applicant and if he is permitted to visit Gondia, there is every likelihood that he would involve in similar type of crime and he prays for rejection of the application.

5. Considering the fact that the other accused against whom the serious allegations are made which can be ascertained from the bail order dated 11.01.2023 where in para No.7 this Court while releasing the present applicant on bail observed that the co-accused Uday Goplani who appears to be the root cause of the dispute has been released on bail. Thus, it is apparent that the condition imposed on the other co-accused against whom serious allegations are made was already relaxed. Similar directions can be granted in respect of the present applicant also.

6. In view of that, the condition imposed vide clause No.(vii) in operative portion can be modified in a following manner.

(vii) The applicant is permitted to visit Gondia city twice in a week on condition that he

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should inform his visit details to Gondia and departure from Gondia to Ramnagar Police Station in advance. The applicant shall attend Jaripatka Police Station, Nagpur on 2nd Sunday of every month till conclusion of the trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)