



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

CRIMINAL APPLICATION (APPP) NO.1628 OF 2023
IN
CRIMINAL APPLICATION (BA) NO.649 OF 2023

(Sahil Sayyed Khurshid Vs. The State of Maharashtra thr. PSO PS Koradi, Dist.
Nagpur and another)

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

Court's or Judge's orders.

Mr. Anil S. Mardikar, Senior Advocate with Mr. V. R. Deshpande, Advocate for Applicant.

Ms. T. H. Udeshi, APP for Non-Applicant/State.

Mr. N. D. Dawda, Advocate for Assist to Prosecutor.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 7th DECEMBER, 2023.

The present applicant filed this application for modification of the conditions imposed by this Court when he released on bail in Criminal Application (BA) No.649/2023. The applicant is prosecuted for the offences punishable under sections 494, 376(2)(n), 420, 323, 504 and 506 read with section 34 of the Indian Penal Code along with section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. Considering the nature of the allegations and the apprehension raised by the prosecution the condition was imposed on the applicant that he shall not stay in a Nagpur District till the decision of trial except attending the date in the Court during the trial. As per the contention of the

present applicant his father aged about 58 years has to undergo the surgery for knee. The application is supported by the medical certificate. In view of that, the learned counsel for the applicant submitted that now investigation is completed, charge-sheet is filed. As far as the apprehension is concerned, the applicant shall not enter in the vicinity of Vaishali Nagar within the jurisdiction of Koradi Police Station and also shall not contact the victim by attending her workplace or school of her children.

3. The learned APP strongly opposed the application as well as the learned counsel for the victim also opposed the application. The learned counsel for the victim submitted that though she has no objection if the applicant is allowed to enter in Nagpur District subject to the condition that he shall abide the conditions imposed by this Court. The learned APP also endorse the same contentions. Considering, the apprehension it would be appropriate to allow the application by imposing condition that the applicant shall not in any manner contact the victim by either entering into vicinity of Vaishali Nagar within the jurisdiction of Koradi Police Station where the victim is residing or at her workplace or the school where the children are studying.

4. In view of that application is allowed the condition No.(iii) is modified to the extent that the applicant is permitted to enter in Nagpur District subject to the condition that he shall not enter the vicinity of Vaishali

Nagar within the jurisdiction of Koradi Police Station, at workplace of the victim or the school where the children are studying.

5. The application is disposed of.

JUDGE

NSN