

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.40 OF 2024
IN
CRIMINAL APPLICATION NO.118 OF 2022

Vipin Dinesh Upadhyay & Anr. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

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Mr.Aayush Kedia with Ms.Amisha Salvi for the Applicants.

Ms.Mahalaxmi Ganpati, APP for the State/Respondent.

Mr.Shahood Anwar Naqvi for the Respondent No.2.

Investigating Officer, Mr.Mahendra Lone, Nayanagar Police Station, Mira Road, present.

PSI Bhagwan Patil attached to Nayanagar Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 22nd FEBRUARY, 2024

P.C:-

1. As directed by the order dated 08/02/2024, the learned APP Ms.Ganpati, on instructions from the Investigating Officer Mr.Mahendra Lone, make a statement that the Applicants have diligently reported to the Investigating Officer as directed by this Court. However, their attendance was not marked on some of these dates, since they did not offer satisfactory proof of they being the residents of Thane.

2. Interim Application No.40 of 2024 is taken out seeking relaxation of the condition imposed upon them vide order dated 21/08/2023, of reporting to the police station on first Monday of every month.

3. On consideration of the Application and on hearing the learned counsel for Respondent No.2 as well as the learned APP, since it is evident that the investigation in the subject CR is complete and the charge-sheet is also filed, hence, I deem it appropriate to relax the condition imposed vide order dated 21/08/2023, by directing that the Applicants to report to Nayanagar Police Station, Thane on first Monday of every trimester between 5.00 p.m. and 6.00 p.m.

Though the learned counsel for Respondent No.2 is insistent in saying that the Applicants are not reporting to the police station, since I have recorded the statement of the Investigating Officer, made through the learned APP that they have in fact marked their attendance in the police station as directed, at this stage, I do not deem it appropriate to consider the statement made by the learned counsel for Respondent No.2.

Modifying the order dated 21/08/2023 to the aforesaid extent and retaining all other conditions imposed vide the said order, the Interim Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)