

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 121 OF 2024

Dinesh Pralhad Pandya	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Sumaiya Khan i/by Munira Palanpurwala for the Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Sunil Kshirsagar, PSI, Sewree Police Station.

**CORAM: MANISH PITALE, J.
DATE : 26th AUGUST 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. By this application, the applicant seeks modification of condition No.2(iii) imposed by the Sessions Court, while granting bail to the applicant by order dated 18th July 2019 in connection with FIR No. 208 of 2018 registered against the applicant for offences under Sections 420 and 408 read with 34 of the Indian Penal Code, 1860 (IPC). The said condition reads as follows :

“(iii) He shall cooperate the investigating agency and shall attend Sewree Police Station on every Monday in between 11.00 am. to 02.00 pm till conclusion of trial.”

3. The learned counsel for the applicant submits that the applicant is a senior citizen, who is now aged about 70 years. He is

attending the Police Station as directed in the above quoted condition on every Monday. But, now he is finding the condition onerous. The trial is underway and two witnesses have been examined. It is submitted that in such a situation, this Court may consider modifying the said condition.

4. On the other hand, the learned APP submits that as per his instructions, the applicant has not been regular in abiding by the said condition. Further, attention of this Court is invited to the proceedings before the Magistrate, wherein, on a particular date, since neither the applicant nor his advocate were present, during the course of recording of evidence, the Court of Magistrate was constrained to issue non-bailable warrant against the applicant.

5. This Court has perused the aforesaid proceedings. It appears that on 24th March 2023, such a direction was indeed issued by the Magistrate, as neither the applicant nor his advocate were present during the course of the proceedings. But, subsequent proceedings dated 2nd November 2023, indicates that further evidence is being recorded and trial is clearly underway.

6. The issuance of the non-bailable warrant has nothing to do with the applicant abiding by the above quoted condition. Along with the application, the applicant has placed on record photo copies of documents, showing his presence before the Police Station, as per the aforesaid condition. Such documents show that from the time the order was passed by the Sessions Court

imposing the said condition while granting bail, till 29th January 2024, the applicant had been attending Police Station as per the directions. The applicant is a senior citizen aged about 70 years. The offences registered in the present case are Sections 420 and 408 of the IPC. Considering the aforesaid circumstances, this Court is inclined to partly allow the present application by modifying the above quoted condition.

7. Accordingly, the application is partly allowed and the above quoted condition is modified as follows :

“(iii) He shall attend the Sewree Police Station on the first Monday of every month between 11:00 a.m. and 12:00 noon, till conclusion of trial.”

8. Considering the facts brought to the notice of this Court by the learned APP, the applicant is directed to attend the proceedings before the Magistrate, during the course of the trial, on each and every date and to cooperate with the proceedings for expeditious disposal of the same.

MANISH PITALE, J.