

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3012 OF 2024

IN

BAIL APPLICATION NO. 4217 OF 2023

Abida Zafar Ismail

...Applicant

Versus

The State of Maharashtra

...Respondent

SHRIKANT
SHRINIVAS
MALANI

- Mr. Veerdhaval Deshmukh, for the Applicant.
- Ms. Megha S. Bajoria, APP for Respondent.
- Mr. Vishal Arodkar, PI, EOW, Mumbai.

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.08.21
10:27:00 +0530

CORAM : MANISH PITALE, J.

DATE : 20th August, 2024.

P. C. :

1. By this application, the applicant seeks relaxation / modification of certain conditions imposed by this Court, while granting bail to the applicant by order dated 17.01.2024.

2. The applicant is concerned with condition Nos.3 and 7, which read as follows :

“3] The applicant shall mark her presence at N.M. Joshi Marg police station on the first Monday of every alternative month in between 11 am to 1 pm for a period of two years or till conclusion of the trial, whichever is earlier.

xxx

7] The applicant shall regularly attend the proceedings before the jurisdictional Court.”

3. As regards the aforesaid conditions, the learned counsel for the applicant submits that the applicant was granted bail after filing of charge-sheet, on merits. It is further submitted that the applicant is diagnosed with Cancer. She is undergoing treatment regularly. Relevant papers concerning such ailment are annexed to the application. It is further submitted that the applicant is a resident of Mysore from where she has to travel to abide by the aforementioned conditions. It is submitted that in such a situation, this Court may consider granting relaxation from abiding by the above quoted two conditions.

4. The learned APP submits that in the light of the documents pertaining to health condition of the applicant filed along with the application, this Court may pass appropriate order insofar as condition No.3 is concerned, but condition No.7 may not be altered or modified, as presence of the applicant is necessary during the trial proceedings before the concerned Trial Court.

5. This Court has perused the documents filed along with the application, which indeed show that the applicant is undergoing treatment for Cancer. She has to travel from Mysore to abide by the above quoted conditions. Since the applicant was granted bail after filing of the charge-sheet and on merits, as also the fact that the present case concerns offences under

Sections 120-B, 420, 423, 465, 467, 468 and 471 read with Section 34 of the IPC, the above quoted condition No.3 can be relaxed. But, insofar as condition No.7 is concerned, it can only be modified to the extent that while the applicant shall regularly attend the proceedings before the jurisdictional Court, she can be exempted for the reasons to be recorded in writing.

6. In view of the above, the application is partly allowed by deleting condition No.3 of the order dated 17.01.2024, passed in Bail Application No.4217 of 2023. Condition No.7 is modified and it shall read as follows :

“7. The applicant shall regularly attend the proceedings before the jurisdictional Court, unless exempted by the Court for reasons to be recorded in writing.”

7. The application is disposed of in above terms.

(MANISH PITALE, J.)