



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

CRIMINAL APPLICATION (APPP) NO.225 OF 2024
IN
CRIMINAL APPLICATION (BA) NO.1447 OF 2022 (D)

Suman wd/o Rameshwar Nishad

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Ballarsha, District Chandrapur

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

Court's or Judge's orders

Mr. A. D. Hazare, Advocate for applicant.
Ms. R. v. Sharma, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13 /03/2024

1. By this application, the applicant is seeking relaxation of the conditions imposed in Criminal Application (BA) No.1447/2022 under Section 439 of the Code of Criminal Procedure.

2. While releasing the present applicant on bail in connection with Crime No.283/2022 registered under Sections 302, 201 read with Section 120-B of the Indian Penal Code. The conditions are imposed that "(C) the applicant shall remain present before the Police Station Ballarsha, District Chandrapur on every Monday between 3.00 to 5.00 p.m." and "(D) the applicant shall not leave the territorial jurisdiction of the Police Station Ballarsha, District Chandrapur without prior permission of the Court, till the trial is over."

3. Heard learned Counsel for the applicant as far as the condition No.(D) is concerned, which is strongly opposed by the learned APP on the ground that if the condition is cancelled or modified, then there is a chance of absconding of the accused.

4. Heard learned Counsel for the applicant and learned APP for the State, perused the impugned order passed by this Court. By observing that there is apprehension of abscondence as well as she belongs to Uttar Pradesh, the condition was imposed that the applicant shall not leave the territorial jurisdiction of the Police Station Ballarsha, District Chandrapur without prior permission of the Court. As far as the attendance at Police Station is concerned, which is now not required as the charge-sheet is filed and the trial is commenced.

5. The condition (D) can be modified to the extent that the applicant shall not leave the territorial jurisdiction of the Police Station Ballarsha, District Chandrapur without prior permission of the concerned Sessions Court wherein the trial is pending. In view of that, application is partly allowed.

6. The condition (C) that the applicant shall remain present before the Police Station Bllarsha, District Chandrapur on every Monday between 3.00 to 5.00 p.m. is hereby cancelled.

7. The condition No.(D) is modified to the extent that the applicant shall not leave the territorial jurisdiction of the Police Station Ballarsha, District Chandrapur without prior permission of the concerned Sessions Court wherein the trial is pending.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)