



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

**CRIMINAL APPLICATION (APPP) NO. 494 OF 2024**  
**AND**  
**CRIMINAL APPLICATION (APPLN) NO. 01 OF 2024 (D)**

Sunil s/o Chhatrapal Kedar Vs State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. S.K. Mishra, Senior Counsel a/w Mr. K.R.Jhamb and Mr. A.M.Sharma, counsels  
for the applicant.

Mr. N.B. Jawade, APP for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 17/04/2024.**

1. By this application, the applicant is seeking relaxation of modification of condition Nos. 4 and 6 imposed while deciding the application for suspension of sentence vide order dated 09/01/2024 while suspending the sentence and releasing the applicant on bail. This Court imposed the condition that applicant shall attend the trial Court on 1<sup>st</sup> of every month and the trial Court shall record his presence as well as the applicant shall not leave the jurisdiction of the appellate Court i.e. District and Sessions Court, Nagpur without prior permission of the said Court.

2. The learned Senior Counsel for the applicant submitted that the applicant who is the Member of the Indian National Congress and Star Campaigner for the election, he has to attend the meetings not only in the Vidharbha Region but all over India and therefore, the said condition be

modified, considering the elections are to be held from 19/04/2024 to 01/06/2024.

3. He further submitted that even the applicant is the permanent residents of Nagpur having permanent abodes, there is no likelihood of fleeing away from justice therefore, this condition is not at all required. As far as the condition that, applicant shall attend the trial Court on first of every month, he submitted that he has no objection, if this condition is continued.

4. Learned APP strongly opposed the said application on the ground that the condition is imposed by this Court, considering the entire circumstances and the evidence which was appearing against the present applicant. He further submitted that the District Court has not rejected any single application of permission, which is filed by the applicant before the District Court. In view of that, application deserves to be rejected.

5. Having heard learned Senior Counsel for the applicant and learned APP for non-applicant/State and considered the submissions made by the learned Senior Counsel, there is no dispute as to the fact that the applicant is a Member of Indian National Congress and as per the submission, he is a Star Campaigner of the party and therefore, he has to roam all over India for campaigning. Moreover, the condition was opposed and by considering the entire circumstances, applicant to secure his presence before the learned trial Court. There is no dispute as to the fact that

the applicant is the permanent residents of Nagpur and having permanent abode there. Therefore, I have no hesitation to consider the said prayer and to cancel the condition of seeking permission from the Court while leaving the jurisdiction of the District Court, Nagpur. In view of that, application is partly allowed. Accordingly, I proceed to pass the following order.

- A] The condition imposed on the applicant that he shall not leave the jurisdiction of the appellate Court i.e. District and Sessions Court, Nagpur without prior permission of the said Court, is hereby cancelled.
- B] As far as the condition that the applicant shall attend the trial Court on 1<sup>st</sup> of every month, and the trial Court shall record his presence is maintained.

The criminal application is disposed of.

**[URMILA JOSHI-PHALKE, J.]**