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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.317 OF 2025 IN APPEAL/450/2016

Baliram s/o Ganpatrao Ghuge
Age: 68 years, Occu.: Pensioner,
R/o: Sahyadrinagar, Nabharamya Building
Near Sai Mandir, Canal Road,
Nanded, Tq. & District Nanded.

... Applicant
(Orig. Accused No.2)

Versus

The State of Maharashtra
Through Police Inspector
Anti Corruption Branch,
Aurangabad

... Respondent

.....
Mr. A.N. Nagargoje, Advocate for Applicant
Ms. Vaishali S. Choudhari, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 11 FEBRUARY 2025

PER COURT :-

1. Present application is filed for relaxation of condition imposed by this Court in Criminal Application No.4247 of 2016 by order dated 25.08.2016 in Criminal Appeal No.450 of 2016.

2. Learned counsel for the applicant submitted that applicant was chargsheeted, tried and held guilty for offence punishable under Section 7, 12, 13(1)(d) of the Prevention of Corruption Act. He came to be convicted by the learned Trial Court vide order

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dated 05.07.2017, against which, appeal has been preferred, and the same is pending. Learned counsel pointed out that along with appeal, application bearing No.4247 of 2016 was pressed into service for grant of bail, and that, this Court by order dated 25.08.2016, granted the same by imposing condition of attending Anti Corruption Bureau office, Aurangabad on any working day in the first week of the every month. Learned counsel pointed out that since grant of bail, applicant is regularly attending the said office. Now, he is 68 years of the age. That, He is suffering from parkinson's disease. That, there is medical certificate to that extent. That, in view of such ailment, he finds a difficulty to travel from Nanded to Aurangabad, and therefore, seeks relaxation of the said condition.

3. Learned APP opposed the application on the ground that appeal is still pending, and that, there is every possibility of misuse of liberty.

4. Heard. After considering submissions and on going through the papers, it appears that on account of conviction recorded in Sessions Case No.08 of 2011 by the learned trial Court, appeal has been preferred before this Court and the same is numbered as Criminal Appeal No.450 of 2016. At that time, application bearing No.4247 of 2016 was pressed into service

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for grant of bail and the papers show that on 25.08.2016, the said application was allowed by imposing condition No. (iii), which is as under:

“(iii) Pending disposal of the appeal, the applicant be released on bail on his furnishing bail in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount on condition that the applicant shall report and record his attendance at the office of Anti Corruption Bureau, Aurangabad, on any working day in the first week of the every month and in case of change in address, he shall communicate the same to concerned Officer.”

5. Apparently, the said order is of 25.08.2016. Appeal is also of the year 2016. There are no immediate prospects of taking the criminal appeal of such order for hearing. In view of the medical certificate placed on record, the above condition is required to be relaxed and modified as under:

“(iii) Applicant shall attend Anti Corruption Bureau office, Aurangabad only when called upon and if required on one month prior notice by the office of Anti Corruption Bureau, Aurangabad.”

6. Application is allowed to the above extent.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane