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

CRIMINAL WRIT PETITION NO.622 OF 2025

Nanasaheb s/o Sayaji Chavan,
Aged about 41 Years, Occupation : Service,
R/o Shrikrishna Layout,
Near Darda Nagar, Yavatmal,
Taluka and District Yavatmal.

.... PETITIONER

// VERSUS //

The State of Maharashtra,
Through Police Station Officer,
Police Station, Avdhut Wadi,
Taluka and District Yavatmal.

.... RESPONDENT

Mr. Akshay A. Naik, Counsel a/b Mr. P. R. Agrawal, Counsel
for the petitioner.
Ms. T. H. Udeshi, APP for the respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01.08.2025

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. By consent of parties, heard finally.
2. By this writ petition, the petitioner has challenged the order passed by the learned Additional Sessions Judge, Yavatmal in Criminal Bail Application No. 50/2024 to the extent of the conditions imposed i.e. condition No.(iii) "He shall co-operate in the investigation by attending the concerned Police Station on every Monday between 11.00 am to 02.00 pm and also as and when called by the I.O. on written notice, till completion of investigation"

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and condition No.(v) that "He shall not leave jurisdiction of this Court *sans* prior permission of this Court. He shall surrender his passport at police-station till completion of investigation" which was subsequently modified and directed that he shall not leave jurisdiction of Maharashtra without prior permission of the District Court Yavatmal.

3. Heard learned Senior Counsel for the petitioner, who submitted that the present petitioner was prosecuted for the offence punishable under Sections 420, 468, 471, 174 read with Section 34 and 120-B of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (MPID Act). While releasing the petitioner on bail, the conditions imposed is that, "He shall co-operate in the investigation by attending the concerned Police Station on every Monday between 11.00 am to 02.00 pm and also as and when called by the I.O. on written notice, till completion of investigation." He submitted that now the investigation is already completed, but in view of the order of the Division Bench of this Court, the charge-sheet could not be filed and therefore, the further attendance of the present petitioner before the Investigating Officer is not required. He further submitted that even though the petitioner is ready to co-operate with the investigating agency as and when they required for the purpose for the investigation and will attend before the Investigating Officer. He further submitted

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that as far as the other condition is concerned, the petitioner is serving as District Deputy Registrar, Cooperative Societies, Yavatmal and therefore, he has to travel from one place to another as part of his job and therefore, it is not possible for him to seek permission every time, instead of that condition, he is ready to intimate the Investigating Officer whenever he has to travel out of the Maharashtra or out of the district.

4. Learned APP strongly opposed the said contention and submitted that the investigation is still in progress and therefore, prays for dismissal of the petition.

5. On hearing both sides and on perusal of the entire record, it reveals that the condition was imposed only for the purpose of seeking his co-operation during the investigation. The order is passed on 16.03.2024 i.e. more than one year. The investigation appears to be completed practically, but due to the order passed by the Division Bench of this Court, the charge-sheet is not to be filed and therefore, the charge-sheet appears not be filed. As far as the further co-operation of the present petitioner is concerned, which can be sought by directing him to attend the concerned office of the Investigating Officer as and when required or issuance of notice and other condition can also be taken care of by directing him to intimate the Investigating Officer as and when he requires to travel out of the Maharashtra or out of the District.

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6. In the light of the above discussion, the petition deserves to be allowed. Hence, I proceed to pass following order:

ORDER

(i) The petition is allowed.

(ii) The condition No.(iii) imposed by the learned Additional Sessions Judge, Yavatmal directing the present petitioner to co-operate in the investigation by attending the concerned Police Station on every Monday between 11.00 am to 02.00 pm and also as and when called by the I.O. on written notice, till completion of investigation is modified and the petitioner is directed to attend the concerned office of the investigating agency as and when required on issuance of the notice in advance of seven days and shall co-operate with the investigating agency.

(iii) The condition No.(v) was that "He shall not leave jurisdiction of this Court sans prior permission of this Court. He shall surrender his passport at police-station till completion of investigation" which was subsequently modified that he shall not leave the jurisdiction of Maharashtra, the same is hereby modified that "He shall intimate whenever he wants to travel out of the Maharashtra or out of the District by intimating the concerned Investigating Officer."

The Rule is made absolute in the above terms.

(URMILA JOSHI-PHALKE, J.)