

MHBU040013102022



Order below Exh.1
(Passed on 2.11.2022)

1. The present application is filed for relaxing the condition of attendance directed by the order of this Court dated 31.5.2022 in bail application RBA No.261/2022, Asefabi & others V/s. State.
2. Heard learned Adv. Z.Z. Mirza, for the applicants and learned APP Shri S.B. Ingle for the prosecution. It is submitted on behalf of the applicants that applicants are attending the Shegaon City police station as per the order of this Court dated 31.5.2022. Till charge sheet is not filed in this matter. Since 31.5.2022 the applicants are regularly attended the police station. It is further submitted that the applicant No.1 is having two younger child and there is responsibility of her husband and children upon her. The applicant No.2 is old aged person and suffering from various ailments. The applicant No.3 is a labourer and his family depends upon his daily earning. Hence it is difficult to them to attend the police station on every Saturday between 11.00 a.m. to 2.00 p.m. It is further submitted that applicants/accused are ready to co-operate the police during further investigation as and when required. Therefore, prayed for relax the condition imposed by this Court while granting the bail to the applicants on 31.5.2022 to attend the police station on every Saturday between 11.00 to 2.00 p.m.

3. The prosecution filed its say vide Exh.5 and opposed the application on the count that the investigation in the present matter is not yet over. If the application is granted then the applicants pressurize, induce and threaten the prosecution witnesses and would not attend before the Court. Therefore, prayed for rejection of the application.

4. I have gone through the above order. Perused the say of prosecution. It is seen that the applicants are attending the police station for a considerable time till today as per the order of this Court while granting the bail and no breach of this condition is being stated by the I.O. Further the applicants are ready to co-operate the police machinery as and when required. Considering the above facts and circumstances, and the compliance of the order of attendance to police station, I hold that the applicants have made out a case for relaxation of the condition of attendance. Hence I found there is substance in the application and in sequel proceed to pass following order :-

ORDER

- 1] Application is allowed.
- 2] The order dated 31.5.2022 passed in RBA No.261/2022 imposing the condition of attendance at the concerned police station upon the applicants "on every Saturday between 11.00 a.m. to 2.00 p.m. at the police station Shegaon City" is hereby relaxed and withdrawn. Instead of that the applicants are directed to attend the concerned police station as and when required by the I.O.

- 3] The remaining conditions passed in RBA No.261/2022 dated 31.5.2022 remained as it is.
- 4] Inform the concerned police station accordingly.

Dt.2/11/2022

(A.S. Wairagade)
Addl.Sessions Judge, Khamgaon.
Dist. Buldana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : A.S.J., Khamgaon.