

Order below Exh.41 in S.C. No.150/2020

This is an application for relaxing condition of attending Chandannagar Police Station, Pune imposed on the applicant / accused as per order dated 01/10/2020 in Bail Application No. 562/2020.

02] According to the applicant, he is arrested in connection with C.R.No. 337/220 for the offences punishable under sections 364, 365, 504, 506 of I.P.C and under sections 39 and 45 of Maharashtra Money Lending Act. He is released on bail as per the order dated 01/10/2020 in Bail Application No. 562/2020. As per clause 2(b) of the bail order the applicant is directed to reside at Haveli, Pune and attend Chandannagar Police Station. The applicant has obeyed that order. It is his second application for relaxation of condition imposed on him. The earlier application is rejected by this Court on 17/12/2020. Now the application is fled on the ground that the wife of the applicant is suffering from chronic back-ache since last month and for that reason she has been treated by Dr. P.V.Pawar , Satara. The wife of the applicant has been advised to take treatment and rest and she will require six months for recovery. She is running business of Mess (Canteen) at Khindawadi, Tal. & Dist. Satara since last 20 years. The whole family of the applicant is depending on the business. In order to take care of the wife and for her early recovery and for continuation of canteen business , the presence of applicant at his home is necessary. It is further stated that he will not tamper the evidence. Hence it is prayed to relax the condition.

03] The application is resisted by the Ld. A.P.P. for the State by filing say at Exh.42. It is stated that the condition imposed on the applicant / accused is effective check on his activities. The condition is not so harsh and inconvenient. Reasons given by the applicant are not legal and genuine. The offence with which applicant is involved is serious in nature. Hence the condition is necessary to be continued as there are chances of tampering evidence and pressurising the witnesses. Hence it is prayed to reject the application. It is further stated that considering medical illness of the wife of the applicant and mitigating family problems , if condition is relaxed then applicant may kindly be directed to attend Satara Taluka Police Station at least twice in a week.

04] Heard Ld. Adv.Shri.Lomate for the applicant / accused, Ld. A.P.P.Shri. Oak for the State. Adv.Shri. Lomate submitted that this application is moved on the ground of illness of the wife of applicant / accused. In support of his submission, he relied on the medical papers of the wife of applicant. He submitted that as per the advise of doctor, she will require six months to recover. She is running Mess. The family members are depending on the business. Considering the pandemic situation also he prayed to relax the condition. Lastly he submitted that the applicant / accused is ready to attend Satara Taluka Police Station. Ld. A.P.P. for the State submitted that absolute relaxation can not be granted to the applicant. At present there is only facility of taking parcels from the hotels and

restaurants. He however submitted that the condition be relaxed only for the period of 6 to 7 months.

05] The medical papers of the wife of applicant / accused would show that she is suffering from acute chronic back-ache. The medical certificate dated 08/03/2021 would show that the doctor has advised that she will require six months. Thus the treatment for the period of six months with traction is suggested by the doctor. The x-ray report dated 08/03/2021 would show that there is no evidence of spondylolisthesis / spondylolysis seen, intervertebral disc spaces height appears normal. The impression is change of lumbar spondylosis. The copy of registration certificate issued by Food and Drugs Dept. is also filed to show that the wife of applicant is running club / canteen. The Ld. A.P.P. for the State in his say as well as in his oral arguments has not denied the genuineness of medical certificate placed on record. On the contrary, he submitted that he has no objection to relax the condition for a limited period.

06] From the medical papers it appears that the wife of the applicant is suffering from back-ache. Before relaxing the condition imposed on the applicant it will be proper to refer the order passed by Additional Sessions Judge, Satara (Shri. S.G.Nandimath). In para. 12 it is observed by my Ld. Brother Judge that considering illegal money lending activities at a large scale in Satara city and its vicinity, it would be just and proper to obtain bail of heavy amount with solvent surety. At the same time,

in order to curb the anticipated illegal activities, it would be also just and proper to direct him to remove from jurisdiction of Satara District and to direct him to regularly attend the police station within the jurisdiction of which he will stay.

07] The applicant is residing at Pune as per pursis given by him at Exh.6 in Bail Application No. 562/2020. While rejecting the similar prayer below Exh.08, this Court has observed that there appears to be no substantial change in the circumstances since grant of bail on 01/10/2020. It is seen from the charge-sheet that in all 33 stamp papers, some of them are blank and duly signed are recovered under memorandum panchanama from the applicant. In such circumstances, the prayer to relax the condition was rejected. Now except the illness of wife, there is no other change in the circumstances. It is true that the wife is suffering from back-ache. However the apprehension of anticipated illegal activities is still there. The condition is imposed to curb the anticipated illegal activities. If the condition is relaxed the applicant may indulge again in money lending activities. His wife may reside with him at Pune. The application is devoid of any merit. It is liable to be rejected. Hence I pass the following order.

ORDER

1] The application is hereby rejected.

Satara.
Date: 19/04/2021.

(S.R.Pawar)
Addl. Sessions Judge, Satara.