

Cr.A.No.1696 of 2005

07.04.2016

Shri Brajendra Mishra, learned counsel for the appellant.

Shri Brahmndatt Singh, learned Govt. Advocate for the respondents/State.

**I.A.No.6885/2016** - application for modification /recalling the order dated 05.02.2016.

Since the appeal is presently at serial No.85 under category **“Criminal (Appeal) : High Court Expedited Cases, Other Than Above (3.iii)”**, we are not inclined to modify the condition imposed for grant of bail, which, indulgence has been shown on the sole consideration that the applicant has already undergone more than 10 years of actual sentence period; and, at the relevant time, there was no possibility of appeal likely to be taken up for hearing, but, now in the changed situation the fact is unavailable. Hence, this application is **rejected**.

Appeal to proceed for final hearing under appropriate category, as per its turn.

The argument of the counsel for the applicant is that co-accused has been released on bail. This argument does not commend to us. It is not the case of the applicant that

the appeal is not likely to reach for hearing in the near future. That was the sole basis which weighed with us while granting bail on conditions mentioned in the order. Hence, the prayer for modification of bail condition is rejected.

Accordingly, the application is **disposed of**.

**(A. M. Khanwilkar)**  
Chief Justice

**(Sanjay Yadav)**  
Judge

AM.