

IN THE COURT OF ADDL. CHIEF METROPOLITAN MAGISTRATE,
04TH COURT, GIRGOAN, MUMBAI.

R.A. No. 154/RA/2020 C. R. No. :- 182/ 2020

ORDER BELOW APPLICATION FILED BY THE ACCSUED
SAMEET RAKESH THAKKAR

Read the application. Say of Ld. APP and Investigation Officer. Heard the Ld counsel for the accused and Ld. APP at length.

2. It reveals that accused Sameet Rakesh Thakkar has made this application for relaxation of condition no.3 of the bail order dated 10.11.2020. It is his submission that the accused was arrested, remanded to police custody and then remanded to judicial custody and enlarged on bail on 10.11.2020. Further, submit that by virtue of the said conditions his fundamental rights of freedom of speech is affecting. If the condition is not relaxed it will cause hardship to him. Prayed to relaxed the same. The Ld counsel for the accused relied upon the decision of

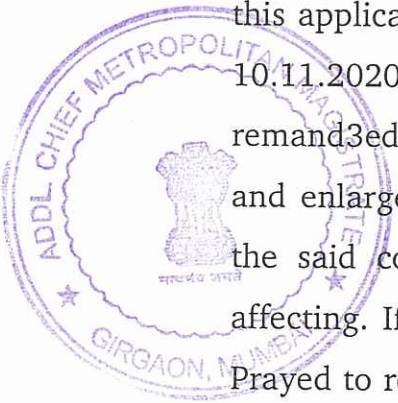
**1. DATARAM SINGH VS STATE OF UTTAR PRADESH AND ANOTHER
(2018) 3 Supreme Court Cases 22**

2. RAJIB SHARMA VS STATE OF WEST BENGAL & ORS.

(Writ Petition Criminal No. 146/2019) Supreme Court of India

3. The Ld. APP objected for the same on the ground that it can be fatal to the prosecution as investigation is not concluded yet.

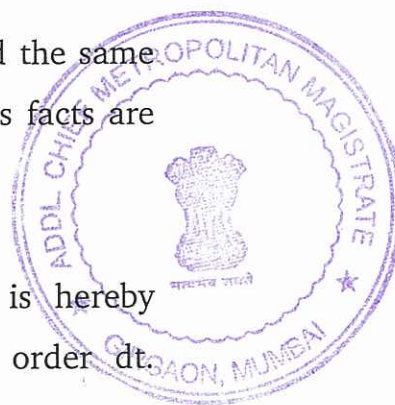
4. It is not disputed, the court enlarged the accused on bail by order dated 10.11.2020 on imposing certain conditions and to relax one of the condition the present application is made.



5. If considered the nature of offence, date of passing the bail order i.e. 10.11.2020 and the present date, I am of view that no prejudice will cause to the prosecution if the prayer made by the accused for relaxing the condition which restrain him from operating his Twitter account till further order is relax because the alleged evidence on the basis of it the crime against the accused was registered is with the prosecution.

6. So far as the cited supra decision are concerned the same are not useful to the accused for the prayer made by him as facts are different.

7. Considering of these aspects the application is hereby allowed. Condition imposed at serial no.3 of the bail order dt. 10.11.2020 is hereby be relaxed.



(R. M. Nerlikar)

Addl. Chief Metropolitan Magistrate,
4th Court, Girgaon, Mumbai.

Mumbai.
Dated :01/12/2020.

BLUE COPY

02-12-20
Judicial Clerk

Addl. Chief Metropolitan Magistrate
4th Court, Girgaon, Mumbai.

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