

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5094 OF 2015

Bajirao Babasaheb Harkal,
Age 29 years, Occu. Agri.,
R/o Renakhali, Taluka Pathri,
District Parbhani,
at present Shantiniketan Colony,
Parbhani, District Parbhani

..Applicant

Versus

The State of Maharashtra,
through Police Station, Pathri,
District Parbhani

..Respondent

Mr S.J. Salunke, Advocate for applicant
Mr S.R. Palnitkar, A.P.P. for respondent

CORAM : A.I.S CHEEMA, J.

DATE : 21st September 2015

PER COURT

Heard Counsel for applicant and learned A.P.P. for State.

2. It is stated that against the applicant charge-sheet has been filed under Sections 302, 304-B, 498-A, 323, 504, 506 and 34 of the Indian Penal Code. While releasing the applicant on bail vide order dated 23.7.2015, the trial Court has put conditions that the applicant shall not enter the jurisdiction of Pathri taluka and that he would attend the Police Station, Parbhani twice a day. The matter has already been committed to the Court of Sessions at Parbhani. Learned Counsel for the applicant submits that the applicant had applied to the Sessions Court to relax the conditions, however, the Sessions Court has rejected the application saying that only a month before said order was passed by which conditions were put and there has been no change of circumstances.

3. Learned Counsel for the applicant submits that the conditions are unreasonable and the same need to be relaxed.

4. Learned A.P.P. submits that two to three witnesses are from Pathri while some are from the native place of the victim. Learned A.P.P. submits that the application deserves to be rejected, else permitting the applicant to enter jurisdiction of Pathri taluka would result in influencing the witnesses.

5. In such a situation, when charge-sheet has already been filed and the matter has already been committed to Court of Sessions, there appears no reasonable ground to maintain direction No.3 in the order, passed by the Additional Sessions Judge, Parbhani in Criminal M.Application No.469 of 2015 (Bajirao Vs. State). It is now not necessary for the applicant to continue to attend Kotwali Police Station, Parbhani twice in a day, as ordered. However, there is substance in the submission of A.P.P. that when the matter has already been committed to the Court of Sessions and evidence is about to be recorded, the applicant should not enter the jurisdiction of Pathri taluka.

6. For the above reasons, the application is partly allowed. The condition No.3 in order dated 23th July 2015 passed by Additional Sessions Judge, Parbhani in Criminal M.Application No.469 of 2015 is relaxed. Applicant now need not attend Kotwali Police Station, Parbhani twice a day, as was earlier ordered. Rest of the conditions be followed.

7. The application stands disposed of accordingly.

(A.I.S. CHEEMA, J.)

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