IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.132 OF 2017
IN
CRIMINAL APPEAL NO.373 OF 2016

DHARAM BABU JADHAV)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.S.P.Rajepandhare, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 23rd FEBRUARY 2018

P.C. :

1 This is an application for relaxation of condition imposed by this court vide order dated 21st July 2016 passed in Criminal Application No.766 of 2016 whereby the applicant/accused is released on bail by suspending the substantive sentence imposed on him. The condition sought to be relaxed is to the effect that the applicant/accused shall not enter the territorial jurisdiction of Taluka Akkalkot, District Solapur.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant/accused is diligently following the condition so imposed apart from the another condition of attending the trial court once in three months. However, with passage of time, it is difficult for the applicant/accused to be away from his wife and children, and therefore, the condition so imposed be relaxed.

3 I have also heard the learned APP.

4 The applicant/accused is convicted for offences punishable under Sections 363 and 376 of the Indian Penal Code as well as under Section 4 of the Protection of Children from Sexual Offences Act for kidnapping a female child and for committing penetrative sexual assault on her. The applicant/ accused as well as the female child are seen to be residents of Village Sangavi in Akkalkot Taluka of Solapur District. Apart from this condition, the applicant/accused is also directed to attend the trial court once in three months. With passage of about two years

from passing the impugned judgment and order of conviction, I am of the considered opinion that the condition of ousting the applicant/accused even from the territorial jurisdiction of Taluka Akkalkot is encroaching on his personal liberty and interest of justice would be served if the applicant/accused is prohibited from entering in the territorial jurisdiction of Village Sangavi. Therefore, the order :

ORDER

i) The application is partly allowed.

ii) Condition No.(c) of the order dated 21st July 2016 passed in Criminal Application No.766 of 2016 is modified by directing the applicant/accused that he shall not enter the territorial jurisdiction of Village Sangavi in Akkalkot Taluka of District Solapur.

iii) The application is, accordingly, disposed of.

(A. M. BADAR, J.)