

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.625 OF 2020
IN
BAIL APPLICATION NO.544 OF 2019

Shakil @ Sajjan Walimahammad Shaikh

... Versus ...

The State of Maharashtra

...

Mr. P.P. More, Advocate for applicant

Mr. A.M. Phule, APP for respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th OCTOBER, 2020

ORDER :

1 Present application has been filed by the applicant to relax the condition imposed on him in Bail Application No.544 of 2019, by this Court on 02.08.2019, to the extent of his entry in Latur city limits.

2 Heard learned Advocate Mr. P.P. More for applicant and learned APP Mr. A.M. Phule for respondent.

3 It has been vehemently submitted on behalf of the applicant that

the present applicant has been arrayed as an accused No.4 in Crime No.429/2018 registered with Shivaji Nagar Police Station, Latur for the offence punishable under Section 364-A, 384, 386, 389, 323, 504, 506 read with Section 34 of the Indian Penal Code. He filed an application before this Court for releasing him on bail i.e. Bail Application No.544 of 2019. The said application was allowed by this Court on 02.08.2019 by imposing certain conditions. One of the conditions i.e. clause No.II-b states that, "*The applicant shall not enter within the limits of Latur city till conclusion of trial, except for attending the Court dates*". The applicant is a permanent resident of Latur. His family resides in Latur. He is the sole earner of the family. He is having wife and old parents in his house. He is doing labour work to earn for the family and under such circumstance, he needs to be with the family, and therefore, he prays for the relaxation of the condition.

4 Learned APP objected the application on the ground, that after considering all the situation the condition was imposed and no such circumstance has been shown by the applicant, which would entitle him to have relaxation of the said condition.

5 It will not be out of place to mention here, that the learned Advocate for the applicant while making submissions has relied on the order passed by this Court on 20.12.2019 in Criminal Application No.3762 of 2019

in Bail Application No.436 of 2019. It was filed by one Punit Shivraj Patil, who is the co-accused and in his bail application also the similar condition was imposed earlier, however, by order dated 20.12.2019 the said condition has been relaxed.

6 At the outset, it is required to be observed, that when bail application was filed the accused has given in writing, that he would abide by any term or condition that may be imposed. Taking into consideration the facts of the case, the role of the accused, the condition was imposed by this Court, that he shall not enter the city limits of Latur till the conclusion of the trial except for attending Court dates. Here, the case of the prosecution is that the informant runs private coaching classes in Latur. He and witness Rajivkumar Ramakant Tiwari had started those classes, but then it is stated, that one Vinod Khatke and Punit Patil gave them threats and extorted lacs of rupees. They threatened, that if the informant and the witness want to continue to run coaching classes, then they will have to give ransom to them. As per the First Information Report, the informant has given in all amount of Rs.6,66,000/- to said Vinod Khatke and Punit Patil. Further, it is stated, that when he stopped giving the further amount, he was called by Vinod Khatke through his man Sachin Maske. The informant and witness Tiwari were abducted for ransom by Sachin Maske and two others. They were taken at a

remote place, were threatened that they would be involved in atrocity cases, would instigate girls to lodge report against them and again the ransom was demanded.

7 As regards the role of the present applicant is concerned, it appears, that the informant and the witness were not knowing the present applicant. However, the record, that has been produced, would show, that Identification Parade was conducted and witness Tiwari has identified the present applicant.

8 Perusal of the order passed by this Court on 20.12.2019 regarding relaxing the condition imposed in the bail application filed by co-accused Punit Patil; it can be said, that since said Punit Patil was Corporator and was required to enter into his Constituency in the city of Latur, his condition was relaxed. As regards the present applicant is concerned, there is absolutely no reasonable ground. He says, that he does labour work. Though he is permanently residing at Latur, that fact was definitely considered by this Court. Bail application filed by the present applicant is considered. Still taking into consideration allegations against the applicant, that condition was imposed to monitor the activities of the applicant. Further, he was directed to attend Police Station once in a week i.e. on every Sunday between 8.00 a.m. to 11.00 a.m. for a period of three months. When

the act attributed to the applicant is, that he had helped the main accused in abducting the informant and the witness, definitely, his activities were required to be monitored. Merely because the condition was relaxed in case of the co-accused, who is said to be the main accused, there cannot be a parity when it comes to imposing condition. The labour work can be done by the applicant at any place. When no proper and genuine circumstance is shown to relax the condition, this Court does not find it proper to relax the condition, on the grounds stated in the application. Hence, the application stands rejected.

(Smt. Vibha Kankanwadi, J.)

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