

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.861 OF 2019
IN
BAIL APPLICATION NO.3196 OF 2018**

Mangesh Laxman Kharat

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Ghanasham S. Jadhav, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 3, 2020.

P.C. :

This is an application for relaxation of conditions imposed vide order granting bail dated 26th February, 2019, passed by this Court in Criminal Bail Application No.3196 of 2018.

2 Applicant was arrested in connection with C.R.No.249 of 2018, registered with Vaduj Police Station, District-Satara, for the offences punishable under Sections 376 and 506 of Indian Penal Code (“IPC”, for short). While granting bail, it was observed that, having appreciated the entire investigation papers it can be inferred that the victim *prima facie* appears to have remained in

physical relationship with the applicant with consent. As a condition for release on bail, the applicant was directed to remain outside Satara Urban area, till the evidence of the victim is recorded.

3 Learned counsel for the applicant submits that the victim's evidence is not yet recorded. The applicant is resident of Satara. It is submitted that the offence arising out of consensual relationship. The trial Court is situated within a jurisdiction of Vaduj Police Station, District-Satara. It is submitted that no prejudice would be caused if the condition no.(C) stipulated in paragraph no.3 of order dated 26th February, 2019, is relaxed.

5 The trial has not commenced. On perusal of FIR, it is apparent that the victim is resident of Vaduj, District-Satara. It is contended that the trial Court is situated at Vaduj, District-Satara. It is also contended that Satara Urban Area is situated about 50 kilometers away from Vaduj Police Station, District-Satara. In the circumstances, the order can be modified as under:

:: O R D E R ::

- (i) The condition no.(C) stipulated in paragraph no.3 of order dated 26th February, 2019,

passed by this Court, in Bail Application No.3196 of is modified and the condition to remain out side the Satara Urban area, till the evidence of the victim is recorded, is relaxed. However, the applicant shall not enter within the jurisdiction of Vaduj police station, District-Satara, except for attending the trial Court on the date of hearing of the case;

- (ii) Application stands disposed of.

(PRAKASH D. NAIK, J.)