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

902 CRIMINAL APPLICATION NO.544 OF 2021
IN APPLN/185/2019 IN/WITH APEAL/443/2018

GANESH S/O. SAKHARAM SURVASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr S. S. Choudhary, Advocate for applicant;
Mr K. S. Patil, A.P.P. for respondent No.1

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 9th March, 2021

PER COURT:

1. By this application, the applicant-convict, whose substantive sentence has been stayed and has been granted conditional bail, vide the order of this Court, dated 07/02/2019, prays for relaxation of bail conditions.

2. We have considered the the strenuous submissions of the learned Advocate for the applicant. By an order dated 07/02/2019, this Court had recorded the statement categorically made by the applicant, in paragraph No.6, that he would reside at Osmanabad town, which is at a distance of 90 kms from the village, to which he belongs. Based on the said statement, this Court had passed the following order :-

(2)

- “i. The Application is partly allowed;*
- ii. The substantive sentence of imprisonment is suspended and the applicant be released on bail on furnishing PR bond of Rs.25,000/- with one surety in the like amount;*
- iii. The applicant to provide his residential address of Osmanabad town along with mobile number of one of his relatives or friend residing at Osmanabad to the Police Station Officer;*
- iv. Applicant to attend Osmanabad Police Station every fortnight between 9.00 am to 12.00 noon and maintain a diary of attendance, duly countersigned by the police officer, till the decision of the appeal;*
- v. We further make it clear that if the statement made before this Court that the fine amount is deposited is not in consonance with the record, we may recall our order. The learned APP is at liberty to make that statement if such instructions are made available to her;*
- vi. Application is partly allowed and is disposed of accordingly.”*

3. The thrust of the submissions of the learned Counsel is, that the parents of the applicant are in between 65 to 72 years of age. His land in his village has become fallow. He needs to take care of his parents and resort to agricultural activities.

4. It calls for no debate that the applicant was the husband of the deceased (first wife). He, along with his parents and his second wife, have been convicted for brutally murdering the deceased. The eye-witness to the brutal murder was the biological son of the applicant, who was about 8 years of age.

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5. By an order of this Court dated 10/09/2018, the appellants - accused Nos.2 and 3, and the second wife of the applicant - accused No.4, were granted bail and the substantive sentence was suspended.

6. The ground taken by the applicant for seeking enlargement on bail was the same ground of old age of his parents, when this Court granted him bail on 07/02/2019. The present applicant had himself suggested that he would reside at Osmanabad and would not enter the village till the appeal is decided.

7. Considering the above, we do not find any reason to modify the condition that the applicant would reside at Osmanabad.

8. This application, being devoid of merit is, therefore, dismissed.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk