

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

**4 CRIMINAL APPLICATION NO.723 OF 2021
IN BA/980/2020**

TUKARAM S/O. EKNATH JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Vivekanand B.Deshmukh, Advocate for applicant
Mr. S.B.Narwade, APP for Respondent-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 06th DECEMBER, 2021

PER COURT:

1] This is an application for relaxation of condition, imposed while granting regular bail to the applicant vide order dated 14th September, 2020 passed by this Court in B.A. No.980 of 2021.

2] The applicant was arrested in Crime No.94 of 2020 registered with Manwat Police Station, Dist.Parbhani for the offences punishable under Sections 376 and 406 of Indian Penal Code (for short, 'IPC'). While granting bail, this Court had directed that the applicant shall not enter within the limits of village Sawargaon Tq. Manwat Dist.Parbhani, till the conclusion of trial.

3] Learned counsel for the applicant submitted that the applicant has complied the said condition. The applicant is an agriculturist. He has agricultural lands having Gat No.189 and 190, situated at village Sawargaon Tq.Manwat Dist.Parbhani. His family is dependent on the

agricultural produce and his presence is required in the field. It is submitted that the applicant may be permitted to enter the agricultural fields and to stay there, which is situated at village Sawargaon, Tq.Manwat Dist.Parbhani. He would not enter in other part of village Sawargaon.

4] Learned APP submitted that the condition was imposed with an object to prevent the applicant from tampering with the evidence. The offence is registered under Section 376 and 506 of IPC.

5] However, considering the submission of the applicant, that he would restrict his entry and stay to the area stated herein above, the condition can be relaxed. Hence, I pass the following order.

ORDER

- (i) Criminal Application No.723 of 2021 is allowed.
- (ii) Order dated 14th February, 2020 passed by this court in B.A.No.980 of 2020 is modified and the applicant is permitted to enter and stay in the village Sawargaon only at agricultural lands having Gat No.189 and 190, situated at village Sawargaon, Tq.Manwat Dist.Parbhani.
- (iii) The applicant shall not enter into any other area in village Sawargaon.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)