

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

**5 CRIMINAL APPLICATION NO.1332 OF 2021
IN BA/1372/2018**

**LAXMAN MADHAVRAO BHOSALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Shailendra S.Gangakhedkar, Advocate for applicants
Mr. S.B.Narwade, APP for Respondent-State

...
CORAM : PRAKASH D. NAIK, J.
DATE : 06th DECEMBER, 2021

PER COURT:

1] The applicants are seeking relaxation of condition No. (ii) stipulated in operative part of the order dated 19th December, 2018 passed by this Court in BA No.1372 of 2018.

2] The applicants were arrested in Crime No.76 of 2017 registered with Limgaon Police Station Dist.Nanded for the offences under Section 302, 307, 326, 324, 323, 147, 148 and 149 of Indian Penal Code (for short, 'IPC'), under Section 4 and 25 of Arms Act and under Section 135 of Bombay Police Act. The incident had occurred on 13th September. The applicants were arrested on 28.09.2017. The applicants had preferred an application for bail before this Court, which was allowed on certain conditions and one of the condition was that the applicants shall not

enter into the area of village Thugaon till the decision of the trial against them.

3] Learned counsel for the applicants submitted that there is no breach of condition. The applicants are away from the area of village Thugaon since December, 2018. There is no progress in the trial. There are cross cases. Hence, applicants may be permitted to enter in the area of village Thugaon for any terms and conditions.

4] Learned APP submitted that there is a purpose in imposing such condition while granting bail to the applicants. Cross cases were registered against each other. There is likelihood of applicants tampering with the prosecution evidence.

5] It is pertinent to note that the applicants were directed to be released on bail vide order dated 19th December, 2018. For substantive period of time, the applicants are out of the area of village Thugaon. It is not reported that there is breach of conditions. There is no progress in the trial. For keeping check on the applicants, they can be directed to report concerned police station. In these circumstances, the order can be modified.

ORDER

- (i) Criminal Application No.1332 of 2021 is allowed.

- (ii) Order dated 19th December, 2018 passed by this court in B.A.No.1372 of 2018 is modified by relaxing condition No. (ii) viz.: applicants shall not enter into the area of village Thugaon, till decision of the trial against them.
- (iii) The applicants shall report Limgaon Police Station once in month on first Saturday of the month at 11.00 to 01.00 pm till further order.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)

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