

Parmeshwar s/o Devrao Gawande ... **Applicant**
Age 36 years, Occu: Agriculture,
R/o Kolegaon, Bhokardan,
Tq. Bhokardan, District Jalna

The State of Maharashtra, ... Respondent
Through the Police Station Officer,
Bhokardan Police Station, Dist. Jalna

CORAM : V. G. BISHT, J.
RESERVED ON : 15th September, 2021
PRONOUNCED ON : 20th September, 2021

1. Heard learned counsel for the applicant and learned A.P.P.
2. The applicant has preferred this application for relaxation of Condition No. (iv) of order dated 1st March, 2021, passed by this Court (Coram: Smt. Vibha Kankanwadi, J.) in Bail Application No. 179 of 2021.
3. It appears from the order dated 1st March, 2021 that this Court, while granting regular bail to the applicant, imposed Condition No. (iv) to the effect that the applicant shall not reside at village Kolegaon and shall not visit the said village till conclusion of the trial.

4. Mr. A. R. Devakate, learned Advocate for the applicant, submits that the applicant is an agriculturist having agricultural land situated at village Kolegaon, Tq. Bhokardan. There is no other family member to look after the agricultural work. Agricultural land requires cultivation and therefore, the condition so imposed by this Court be relaxed, urged learned counsel.

5. Mr. N. T. Bhagat, learned A.P.P., on the other hand, opposed the submissions and then invited my attention to affidavit-in-reply filed by the investigating officer and would emphasize more particularly Paragraph 7 of the affidavit-in-reply wherein it is alleged that inspite of the specific condition imposed upon the applicant, he intentionally entered into village Kolegaon and threatened the witnesses and as also wife of the deceased. To that effect, N. C. bearing No. 239/2021 under sections 504, 506 r/w 34 of the Indian Penal Code is filed. This being so, the applicant does not deserve leniency and application needs to be rejected.

6. As far as submissions of learned counsel for the applicant that the applicant is having agricultural land and there is nobody to cultivate is concerned, the same does not sound convincing, inasmuch as, this position was very much prevailing when the order of bail came to be passed. I do not see any material change in the circumstance.

7. Coming to the allegation of the investigating officer that despite there being Condition No. (iv), not only the applicant entered in

the village Kolegaon but also threatened the wife of the deceased, I find it prima facie apparent from N.C. dated 19.03.2021 filed by Janardhan Anandrao Gawande against the applicant and other accused Sukhdeo Sajuba Gawande. It is specifically alleged in the N. C. that applicant and other accused not only abused the parents of the informant but also threatened Vaishalibai i.e. wife of the deceased that if she deposes in the Court, she would also be killed like her husband.

8. On the above noted counts, I am not inclined to interfere with Condition No. (iv) so imposed by this Court vide order dated 1st March, 2021.

9. The application sans merit, stands rejected.

(V. G. BISHT, J.)

JPC