

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

**903 CRIMINAL APPLICATION NO.2149 OF 2021
IN BA/311/2018**

**VACHISHTHA ASHRUBA MAKHALE
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicant : Mr. Kale Dnyaneshwar B.
APP for Respondent State: Mr. A. S. Shinde

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd December, 2021

ORDER:

1. The applicant is seeking relaxation of condition stipulated in order dated 12th April, 2018 passed by this Court in Bail Application No.311/2018 granting bail to the applicant.

2. While granting bail to the applicant, it was directed that the applicant shall not enter into the revenue Taluka of Georai, District Beed till conclusion of the trial. The applicant had preferred Criminal Application No. 1586/2020 which was allowed to be withdrawn by order dated 22nd October, 2020 with liberty to file fresh application after six months.

3. Contention of the applicant is that the condition of not to enter revenue taluka of Georai is in force since 2018. The applicant had complied the said condition. There is no evidence against him in the

crime. Case is based on circumstantial evidence. The family of the applicant is depending upon farming. On account of aforesaid condition, the applicant cannot not enter into the village for farming.

4. Learned APP submits that offence is of serious nature. Considering the offence, aforesaid condition is imposed by the Court while granting bail. N.C. complaint was lodged against the applicant by one of the witness on 10th August, 2018, after granting bail to the applicant alleging that the applicant had threatened the said witness. Statement of two witnesses were recorded, therein it was stated that NC complaint was lodged on 10th August, 2021 and that the applicant accused had threatened the witnesses on 10th August, 2018.

5. Applicant was arrested in Crime No.161/2017 registered at Talwada Police Station, District Beed for the offence under section 302 of the Indian Penal Code. While granting bail, it was observed that there was no eye witness to the incident. Except version of wife of the deceased and his two brothers having lastly seen the deceased with applicant, there is no evidence to remotely connect the applicant with the crime. Bail was granted to the applicant by order dated 12th April, 2018.

6. Considering the aforesaid circumstances, the condition stipulated in the aforesaid order can be relaxed. Hence I pass the following order:

ORDER

- i. Criminal Application No. 2149/2021 is allowed.
- ii. Order dated 12th April, 2018 passed by this Court in Bail Application No. 311/2021 is modified by relaxing condition No.2(A) viz. applicant shall not enter into the revenue Taluka of Georai, District Beed till conclusion of the trial.
- iii. The condition is substituted by directing the applicant to report Talwada Police Station once in a month on first Saturday of every month between 11.00 a.m. to 1.00 noon till further orders.
- iv. Criminal application stands disposed of.

(PRAKASH D. NAIK, J.)

JPC