

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.144 OF 2021

Laxman Shivaji Suryawanshi Applicant
Versus
The State of Maharashtra Respondent

Mr. Deepak R. Rane, Advocate for the Applicant.
Smt J.s. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st JUNE, 2021
[Through Video Conferencing]

P.C. :

1. The applicant is accused in C.R. No.I-633/2020 registered at Satana police station, District Nashik on 1.11.2020 under Sections 326, 324, 143, 147, 148, 149, 323, 504, 506, 427 of Indian Penal Code. Subsequently, Section 307 of IPC was also added.

2. The applicant has preferred application for bail before the Sessions Court vide Criminal Bail Application No.11/2021. Learned Additional Sessions Judge-1, Malegaon vide his order dated 12.1.2021 allowed his application and following order was passed :

- “ 1] Application is hereby allowed.
- 2] The applicants shall be released on bail on furnishing P.B. & S.B. of 50,000/- [Fifty Thousand only] each with separate solvent surety in the like amount, in aforesaid crime, on the following conditions;
- i) Applicants shall not tamper the prosecution evidence in any manner and shall not threaten the informant and witnesses.
 - ii) Applicants shall submit their authentic permanent residential address and of their three close relatives along with mobile phone number duly verified.
 - iii) Applicants shall not enter within the jurisdiction of Satana Tahasil area for the next one year.
 - iv) Applicants shall convey their place of residence for the above said period to this court as well as to the I.O..
 - v) Applicants shall attend before concerned police station within whose jurisdiction they intend to reside in aforesaid period of one year in between 11.00 a.m. to 01.00 p.m. on every 1st Sunday for next one year.
 - vi) Applicants shall not involve in any type of offence again.
 - vii) Bail at concern court.”

. Vide that order, a condition was imposed on him that he shall not enter the jurisdiction of Satana Tahasil area for next one year.

3. The applicant thereafter preferred an application for relaxation of this particular condition by filing Criminal

M.A. No.9/2021. But that application was rejected vide order dated 4.2.2021. Therefore, the applicant has approached this Court.

4. Learned counsel for the applicant submitted that out of period of one year, almost six months are already over. The applicant's wife has delivered a baby in this month only. The applicant is working as a Professor in a college at Satana. Therefore, the applicant needs to attend this college and also go to his house to look after his family. The apprehension of the prosecution, if any, can be taken care of by directing the applicant to attend the concerned police station. In any case only six months' are left as far as that particular condition is concerned.

5. Learned A.P.P. has left the matter to be decided to the discretion of this Court.

6. I have considered these submissions. Six months from that condition are already over. The applicant has a job in Satana and has recently been blessed with a child. Therefore, on humanitarian ground the applicant can be

granted permission to enter Satana taluka. However, care needs to be taken to impose certain conditions so that there is no further escalation of dispute between the two groups. Learned Additional Sessions Judge had also directed the applicant to attend the police station within whose jurisdiction the applicant intended to reside in the aforesaid period of one year. Same condition can be imposed on him. Hence, the following order :

ORDER

- (i) The applicant is permitted to enter Satana Tahasil, District Nashik.
- (ii) The applicant is directed to attend Satana police station every Sunday between 11.00 a.m. to 1.00 p.m. to mark his presence for a period of one year from today.
- (iii) Rest of the conditions mentioned in the order dated 12.1.2021 passed by Additional Sessions Judge-1, Malegaon are retained as they are.
- (iv) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)