

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) NO.311 OF 2021
IN
CRIMINAL APPLICATION (BA) NO.809 OF 2019

(Pratik Dattatraya Tonde Vs. State of Maharashtra thr. PSO PS Civil Lines, Akola,
Tah. & Dist. Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Ms. Veena K. Khan, Advocate h/f Mr. P.K. Sathianathan, Advocate for Applicant.
Mrs. K.R. Deshpande, APP for Non-Applicant/State.
Mr. N.R. Saboo, Advocate for Complainant.

CORAM: ROHIT B. DEO, J.

DATE: 9th JULY, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This application is taken out seeking relaxation of conditions (d) and (e) imposed by this Court (Coram: V.M. Deshpande, J.) while releasing the applicant on bail vide order dated 11.09.2019 in Criminal Application (BA) 809/2019.

3. Conditions (d) and (e) of which relaxation is sought read thus:

(d) Learned Judge of Court below before

whom Bail Bonds will be executed shall issue directions to the applicant that he shall attend police station nearest to his residence twice in a week during the pendency of Trial.

(e) The applicant shall not enter into territorial jurisdiction of Akola Municipal Council during the pendency of Trial except on dates when the case is fixed before Court below.

4. The justification pleaded in support of the prayer for relaxation is that the applicant is the main earning member of the family and his parents are aged.

5. Notably, even according to the application the parents of the applicant are aged 55 and 50. It is not even the case of the applicant that the parents are suffering from any ailment or otherwise not in a position to look after themselves. The other justification given is that the applicant is a businessman who was operating from Akola.

6. This court notes from the order dated 11.09.2019 that the applicant volunteered to reside outside the territorial jurisdiction of Akola Municipal Corporation till the conclusion of the trial. *De hors* the voluntary submission, the factual matrix more than amply justifies the conditions that the applicant reside outside the territorial jurisdiction of Akola. The deceased was brutally done to death and the incident appears to be a fall out of the rivalry to control an educational trust. The conditions, as such,

serve a salutatory purpose. The applicant cannot be permitted to make a voluntary offer to reside outside the territorial limits of the Akola Municipal Corporation and then, after obtaining bail, make a grievance that his 55 years old father and 50 years old mother are alone.

7. At this stage, I am not inclined to relax the conditions.

8. However, if there is no significant progress in the trial for the next eight months, the applicant shall be free to renew the request for relaxation of conditions.

9. The application is disposed of.

JUDGE