

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

CRIMINAL APPLICATION (APPP) NO.1400 OF 2021
IN
CRIMINAL APPLICATION (BA) NO.314 OF 2018 (D)

(Ganesh Ashok Pund Vs. State of Maharashtra thr. PSO PS Risod, Tq. Risod, Dist.
Washim)

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

Court's or Judge's orders.

Dr. R. S. Sirpurkar, Advocate for Applicant.
Mrs. K. R. Deshpande, APP for Non-Applicant/Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd SEPTEMBER, 2021.

Heard.

2. The applicant is seeking relaxation of condition imposed vide order dated 03.05.2018, which grants bail in Crime 267/2017 registered under sections 302, 323, 427 and 505 read with section 34 of the Indian Penal Code.

3. The condition of which relaxation is sought prohibits the applicant from entering the limits of village Wadi Raital and requires him to reside at least 50 km. away from the said village, till the conclusion of the trial.

4. It is submitted that there is no progress whatsoever in the trial in as much as even the charge is not framed. It is further submitted that after this Court granted

bail, there is no complaint against the applicant of misuse of liberty. The other submission is that the complainant, who was neighbour, had sold the house and had shifted to a house on the outskirts of the village and the residential house of the applicant, where he intends to reside is at a distance of 1 km. It is submitted that the applicant has agricultural land at a distance of 3 km. from the residence of the complainant, situated at Raital Wadi .

5. In view of the submission that the applicant will be assisting his Uncle Haribhau and Gajanan aged 70 and 55 respectively in cultivating the agricultural land, I am inclined to relax the condition. However, I have made it abundantly clear to the learned counsel for the applicant Dr. R. S. Sirpurkar that any attempt to pick up a confrontation with the complainant or the witnesses or to pressurize or browbeat them shall entail cancellation of bail. The learned counsel states that she would advise her client appropriately.

6. This application is allowed in the following terms:

7. Condition (i) vide order dated 03.05.2018 rendered in Criminal Application (BA) 314/2018 is deleted and is substituted by the following condition.

(i) The applicant shall not proactively contact,

pressurize or browbeat either the complainant or the witnesses. Breach of this condition may entail cancellation of bail, if an appropriate motion is moved by any interested person.

JUDGE

NSN