

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.1009 OF 2022
IN BA/223/2019**

RAMKISAN @ RAMKRISHNA S/O UTTAM GHOLE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. U. L. Telgaonkar
APP for Respondent-State : Mr. A. M. Phule
.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving the Order :
25-04-2022**

**Date of Pronouncing the Order :
04-05-2022**

ORDER :

1. Present application has been filed by the applicant who has been released on bail by this Court in Criminal Bail Application No.223 of 2019 on 01-04-2019 with conditions, for relaxing the condition that he shall not enter the limits of Kannad Taluka including village Nimbhora.
2. Heard learned Advocate Mr. U. L. Telgaonkar for applicant and learned APP Mr. A. M. Phule for respondent-State.
3. Learned Advocate for the applicant submits that this Court had

imposed the said condition while granting bail on 01-04-2019, yet there is no much progress in the matter. The applicant has abided by the said term for two years. The applicant is an agriculturist. He has filed the 7/12 extract of the land. He is the earning member of the family, and therefore, he be now permitted to go and reside in his house and carry out the agricultural activities.

4. Learned APP has strongly objected and stated that the said condition was imposed for the security of the witnesses.

5. It will not be out of place to mention here that the opinion of the learned Additional Sessions Judge, Aurangabad before whom the sessions case is ending and states report was called. It appears that even the charge has not been framed even after two years. Of course the reason that has been given is due to lockdown and standard operation procedures, the matter could not be taken place.

6. Perusal of the order passed by this Court would clarify that when learned APP had expressed apprehension that there is likelihood of tampering of the prosecution witnesses if applicant is allowed to stay in Kannad Taluka during the course of the trial; the said condition came to imposed. When the trial is yet to commence,

then definitely that apprehension is still in existence. However, some balance will have to be strucked and, therefore, at this stage the application is rejected, however, liberty is granted to the applicant to approach this Court with the same relief if the trial does not get concluded within one year from today. With this directions, application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.