

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CRIMINAL APPLICATION NO.1135 OF 2022
IN BA/1368/2021

MAHESH HANUMANT MASKAR

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Y.H. Jadhav, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 01st APRIL, 2022

PER COURT :

1 Heard learned Advocate for the applicant and learned APP for the respondent.

2 Though the victim has not been made party, it is not necessary that she should be made party. The applicant wants to get relaxed condition No.(ii) imposed by this Court while releasing the applicant on bail in Application No. 1368 of 2021 on 18.01.2022. It is stated that the applicant is the only son of the parents and they are depending upon him. The applicant was arrested in August, 2021 and since then he could not meet his parents.

Now, the applicant is unemployed. Applicant undertakes that he will not contact the victim but he be allowed to visit the taluka.

3 Interesting point to be noted is that while granting the regular bail to the applicant this Court had imposed condition No.(ii) that he shall not enter taluka Paranda till the conclusion of the trial. Definitely, this condition whenever is imposed, would be with an intention that the victim or the prosecution witnesses should feel safe and there should not be tampering with the evidence of prosecution in any manner. When the application was filed the applicant had given residence as – Devgaon, Tq. Paranda, Dist. Osmanabad and even now he is giving the same address. Therefore, whether he has shifted his residence beyond taluka Paranda itself, is a question. In the entire body of the application, he has not given the residential address where he is residing after 18.01.2022. Now, it is for the prosecution to take note of this.

4 As regards the relaxation of the condition is concerned, whatever grounds have been stated appeared to be contradictory to each other. At one place he says that he is an unemployed and at another place he says that he is an agriculturist and also states that he is the only earning member of the family. How an unemployed person can be only earning member of the

family, is a question. Meeting his family members cannot be the ground for relaxation of the condition imposed while granting bail application. With some purpose the condition was put and further it is to be noted that the applicant is facing trial for the offence punishable under Section 363, 366, 376(3), 354-D read with Section 34 of the Indian Penal Code and under Section 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act. Therefore, taking into consideration the gravity of the offence and the circumstances the said condition was imposed. No case is made out for relaxation of the same. Application stands rejected.

(Smt. Vibha Kankanwadi, J.)

agd