

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1872 OF 2022 IN BA/98/2022

SHESHRAO MAROTI ACHEGAVE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
CRIMINAL APPLICATION NO.1873 OF 2022 IN BA/131/2022

RAJESH S/O. MADHAVRAO BIRADAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Kailash B. Jadhav holding for
Mr. Shivaji B. Bhapkar
APP for Respondent : Mr. V. M. Kagne

CORAM : S. G. MEHARE, J.

DATE : 20-10-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants were released on bail on condition not to enter village Ballur, Taluka Degloor, till the conclusion of the trial, by an order dated 16.02.2022 passed in Bail Application Nos. 98 and 131 of 2022.
3. The learned counsel for the applicants would submit that the condition of not to enter village Ballur, Taluka Degloor, imposed on the applicants, has been strictly followed till date. There were no complaints of tampering the prosecution witnesses against the applicants. The applicants have not misused the liberty granted to them. The applicants are the bread winners of their family. They

are agriculturists. They have to earn the bread on agricultural profession. Besides that, now they are not in a position to spend money to reside outside their village as expenses are now unbearable. Hence, the condition imposed not to enter village Ballur may not be relaxed.

4. The learned A.P.P. would submit that though there were no complaints at this juncture, the possibility of tampering with the prosecution witnesses, can not be ruled out. Hence, the application may be rejected.

5. When the bail was granted, the applicants were 53 and 55 years old. They are agriculturists. Their role was considered by the Court that the applicants did not assault the deceased. They are residing out of their village, at Hingoli for a long time. They have to prepare their lands and harvest the crop. In view of all facts as discussed above, the condition not to enter village Ballur, Taluka Degloor, may be relaxed. There shall be no harm to the prosecution, if prayers are allowed. Hence, the following order :-

- i) The applications are allowed.
- ii) The condition 'not to enter village Ballur, Taluka Degloor till the conclusion of the trial', imposed in the order passed in Bail Application Nos. 98 and 131 of 2022 dated 16.02.2022, is relaxed with modified condition that the applicants shall not tamper with the prosecution witnesses.

(S. G. MEHARE)
JUDGE