

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**913 CRIMINAL APPLICATION NO.2137 OF 2022
IN APEAL/766/2019 WITH APPLN/1901/2022 IN APEAL/766/2019**

**VARUN S/O. DWARKADAS BANSOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr.Sohail Subhedar h/f. Mr.N.S. Ghanekar, Advocate for the applicants in Cri. Application No.2137 of 2022.

Mr.Akshay S. Jagtap h/f. Mr.Dhananjay S. Patil, Advocate for the applicant in Cri. Application No.1901 of 2022.

Mrs.G.L. Deshpande, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 08.09.2022**

PC :-

01. Heard respective learned Advocates for the applicants in both the applications. The applications are filed seeking relaxation of condition that was imposed by this Court while granting bail by allowing Criminal Appeal No.766 of 2019. The applicants are paying for relaxation of condition No.5, which was imposed by this Court in the said order, which reads as follows :-

“5) The appellants shall not enter into the area of village Pathri until trial.”

02. By the said condition, the applicants are directed not to enter into

the area of Pathri village till the Trial is over. The learned Advocates submitted that the applicants have also filed Criminal Application No.2575 of 2019 for quashing of the proceedings in the Trial Court i.e. Special Case No.206 of 2021. In the said application, this Court vide order dated 15.06.2022 has admitted the Criminal Application vide order clause I. The Special Case No.206 of 2021 is pending.

03. In view of this position, the applicants submit that it is not certain as to when the trial would commence and would be over. Since all the male members of the family are unable to enter the area of the village, there are only female members, now, are staying in the village Pathri. Because of condition No.5 the applicants are not in a position to enter the village and therefore prayed for relaxation of only condition No.5 for the reasons stated above.

04. The learned APP opposed the application stating that the allegations against the applicants are serious. They have poured chemical by taking tanker to the village whereby the land and the water in the village have been contaminated to a large extent. If the condition is relaxed, the applicants may again indulge into such activities, which may cause harm to the public residing in the vicinity of the village.

05. Considering submissions of both the sides, following order is passed :-

ORDER

1. Condition No.5 imposed by order dated 12.03.2021 in Criminal Appeal No.766 of 2019 is modified.
2. The restriction on the applicants from entering the area of the village Pathri is relaxed. However, the applicants shall not carry on any antisocial activities or any activities that would cause harm to any of the residents of the village.
3. If any complaint is received by the Police against the applicants from any of the residents of the village, the police to take suitable steps for cancellation of relaxation of condition.
4. Both the applications are disposed of.

[KISHORE C. SANT, J.]