

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2995 OF 2022
IN BA/467/2022

RAMRAO BABARAO WADJE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Anil M. Gaikwad
APP for Respondent : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 16-11-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants seeking relief of relaxation of condition clause (III) imposed by this Court, in Bail Application No. 467 of 2022, dated 06.05.2022, while enlarging them on bail i.e. they shall not to reside or visit village Tembhurni, Tq. Naigaon (Kh.), District Nanded till the conclusion of the trial and before submission of bail papers, they should give complete address of their proposed residence with their mobile numbers to the learned Additional Sessions Judge, Biloli as well as to the Investigating Officer.

3. The learned counsel for the applicants would submit that since the day of release, they are residing out of their village. There is no progress in the trial. They are living at the mercy of their friends and relatives. The applicants are the agriculturists. It is most difficult to reside out of their village due to financial difficulties. They have no other source of income. They are bread winner of their family. They are ready to undertake that they will not create any nuisance if they are allowed to reside at their house.

4. The learned A.P.P. would submit that the applicants and the complainant have lands abutting to each other. Therefore, possibility of new offence cannot be ruled out. He would also argue that they did not supply their residential address and mobile numbers. Hence, he prays to reject the application. In reply, the learned counsel for the applicants would argue that they had no stable place of residence and no mobiles with them.

5. The applicants are senior citizens. There are no antecedents to the discredit of the applicants. Since the day of release, they are residing out of village. There is no evidence about tampering with the prosecution witnesses or breach of the above condition imposed by the Court. The applicants have shown good conduct and appears maintaining the law and order. Apart from this, age

factor of the applicants needs to be considered. If the condition imposed by this Court in Clause No. III of the operative part of the aforesaid order is relaxed, it would not cause any harm to anybody. Liberty can be granted to the prosecution to file an application for cancellation if any untoward situation arises. Considering the facts of the case, age of the applicants who are senior citizens and their inconvenience, the application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) The condition Clause No. III imposed in the order passed by this Court in Bail Application No. 467 of 2022 dated 06.05.2022, is relaxed.
- iii) The prosecution is at liberty to file an application for cancellation of this order if any untoward situation arises.

(S. G. MEHARE)
JUDGE

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