

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2843 OF 2021
IN BA/1547/2020

1. Ashabai @ Rukhminbai w/o Maroti Gadekar
2. Govind s/o Bhimrao Jadhav ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. G. G. Kadam, Advocate for applicants.

Mr. A. M. Phule, APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07.03.2022

ORDER :-

1. Present application has been filed for relaxation of condition imposed by order dated 29.01.2021 by this Court while granting bail to the applicants in Bail Application No.1547 of 2020.

2. The applicants were arrested in connection with Crime No.155 of 2020 dated 07.07.2020 registered with Umari Police Station, Dist. Nanded for the offences punishable under Sections 302, 120(B), 201 of Indian Penal Code, 1860. They had filed the said bail application under Section 439 of the Code of Criminal Procedure, which came to be allowed by this Court and condition No.6 was imposed, which reads

thus :-

“6 They shall not enter the jurisdiction of entire Bhokar taluka till the conclusion of trial. They should reside elsewhere, and before submission of bail papers, the applicants should give complete address of their proposed residence with their mobile number. So also they should comply with the requirements under paragraph Nos.12(1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).”

3. Heard learned Advocate Mr. G. G.Kadam for the applicant and learned APP Mr. A. M. Phule for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

4. This Court while allowing the said application had considered that son of applicant No.1 is a witness in the case and it is stated that he was staying at village Ballal and she should not influence him or other witnesses and also that the applicant No.2 is also from the same village. Therefore, it was thought that necessary restraints should be imposed and then the aforesaid condition came to be imposed. Now, the applicants say that they have abided by the said condition uptill now and there is no much progress in the case. They will not tamper with the evidence of the prosecution in any manner. But since they are facing

hardship and unable to enter the village, their agricultural land could not be cultivated and, therefore, they are sustaining financial difficulties.

5. The importance should be given to the safety of the witnesses. Even at the time of seeking bail, the applicants had promised that they are ready to abide by the terms of the bail. Now they cannot say that a particular condition is causing inconvenience or harassment to them. No case is made out to relax the said condition and, therefore, the application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm