

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3020 OF 2021

AKASH PANDURANG WARE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Joydeep Chatterji, Advocate for the applicant.
Mr. A. M. Phule, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10.01.2022

ORDER :-

1. Present application has been filed for relaxation of condition imposed on the applicant, while he was released on bail.

2. Present applicant is an accused in Sessions Case No. 123 of 2021 and it is pending before learned Additional Sessions Judge, Ahmednagar. The said case is arising out of Crime No. 205 of 2021 for the offence punishable under Sections 302, 364 143, 147, 148, 149, 323, 504 of Indian Penal Code. He had filed application under Section 439 of Code of Criminal Procedure for bail. The said application came to be allowed on 04.08.2021 by the learned Additional Sessions Judge, Ahmednagar by imposing certain conditions. One of the condition was that he shall not enter in the jurisdiction of Pathardi Taluka. Applicant

had then approached the learned Additional Sessions Judge by filing application Exhibit-53 that the said condition should be relaxed temporarily as he want to celebrate festival of Diwali with his family members. The said application came to be rejected on 29.10.2021. Hence, the applicant has approached this Court by filing this application.

3. Heard learned Advocate Mr. Joydeep Chatterji for the applicant and learned APP Mr. A. M. Phule for the respondent – State.

4. At the outset, it can be seen that in his application Exhibit-53, the present applicant had prayed for temporary relaxation only, that too on the ground of celebration of Diwali. Now, in this application, he contends that since he is the elected member of Grampanchayat, he will have to attend the meetings of the Grampanchayat and also that his mother is ill. He has produced on record document to show that he is elected and a medical certificate of his mother stating that she is suffering from cervical PID. It is to be noted that when he was released on bail, he had undertaken that he would abide by all the terms of bail. Now, he cannot have his own reservations. He had not approached learned Trial Judge with a request to relax the condition permanently. In fact, his application was only for temporary period, which is already over. If he want permanent relaxation, he should approach same Court,

which had imposed such condition. This Court is not sitting in appeal to consider whether the rejection of application Exhibit-53 was proper or not. In fact, this application itself ought not to have been filed directly in this Court. Application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm