

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CRIMINAL APPLICATION NO.3892 OF 2022
IN APPLN/2940/2022

DNYANESHWAR VISHNU DAHIPHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Mr.Saurabh Awhad h/f Mr.S.R. Wakale, advocate for
the applicants.

Mrs.V.S. Choudhari, APP for the respondent/State.

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CORAM : S.G. MEHARE, J.

DATE : DECEMBER 09, 2022

PER COURT :-

1. Heard learned counsel for the applicants and
learned A.P.P. for the respondent/State.

2. This is an application for relaxation of
condition to attend Pathardi Police Station once
in a week i.e. on every Sunday till conclusion of
trial.

3. This Court imposed the said condition on 4th
October, 2022, while deciding the application of
the present applicants for cancellation of the
conditions imposed by this Court in its order
dated 14th August, 2020.

4. In the application no.2940/2022 for relaxing
the condition that they shall not enter within
the limit of village Daityanandur, Tq. Pathardi,
Dist. Ahmednagar, the applicants had contended

that the applicants are farmers and their land is situated at village Daityanandur, Tq. Pathardi and because of the condition imposed by the Hon'ble Court, there is no one to look after the land and the applicants does not have any alternate source of income. Now in this application to cancel the condition dated 4th October, 2022, the applicants have come with a case that now they are residing at Newasa and need to visit their village only for the agricultural work and meet their grandparents.

5. The ground taken in this application was not raised in Criminal Application no.2940/2022.

6. The conduct of the applicants appears not bonafide. Any how they wanted to free them from any conditions. The distance between village Daityanandur and Pathardi Police Station as stated is about 15 Km. Considering the said distance, it can not be said that it cause inconvenience to the applicants. The application appears malafide.

7. For the above reasons, the application stands dismissed with costs as ground for cancellation of bail conditions is misleading.

8. The applicants do pay the exemplary cost of Rs.10,000/- to Snehalaya Sanstha at Ahmednagar.

After depositing Rs.10,000/- with Snehalaya Sanstha, the applicants shall produce receipt in Court, within a week from today. If they fail to comply the same, the necessary orders for cancellation of bail may be passed.

(S.G. MEHARE, J.)

SGA