

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 172 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 421 OF 2018**

Rajendra Pandharinath Barade & Anr. ..Applicants.
Versus
The State of Maharashtra ..Respondent

Mr. Rounak Naik i/b. Pankaj D. Kavale for Applicants.
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th SEPTEMBER 2022

PC :

1. This is an application for cancellation/relaxation of the condition in the order dated 22/03/2018 and in particular seeking modification of Clause (ii) of the said order. Vide that order passed in Criminal Bail Application No.421 of 2018 the applicants were granted bail in connection with C.R.No.90 of 2016 registered with Padgha police station, Thane Rural. Clause (ii) of the operative part of that order puts restrictions on the applications directing them not to reside in village Tulshi till conclusion of the trial. However, at the same time, liberty was granted to the applicants to

VINOD
BHASKAR
GOKHALE

Digitally signed by
VINOD BHASKAR
GOKHALE
Date: 2022.09.28
11:39:33 +0530

Gokhale

file an application seeking modification/relaxation of the said condition after a reasonable period.

2. Learned counsel for the applicants submitted that, more than four years have passed since that order. The Applicants have scrupulously followed those directions. They have not breached any condition. They have stayed away from village Tulshi. However, their family is suffering because they have an agricultural land in that village and it is causing hardship to the family to cultivate it in absence of both the applicants. Liberty is also granted to the applicants to approach this court after a reasonable time and four years period is more than a reasonable time. He also relied on another order of this Court in Interim Application No.806 of 2021 in Bail Application No.3639 of 2019 dated 12/07/2022, whereby this Court (Coram: Bharati Dangre, J.) had permitted the co-accused to enter village Tulshi by deleting similar condition imposed in his case; granting him bail.

3. Learned APP does not have any objection for such permission.

4. Considering these submissions and the period which has already passed, the application can be allowed.
5. Hence, the order:

O R D E R

- i) The condition not to enter village Tulshi till conclusion of the trial, mentioned in the order dated 22/03/2018 passed in Bail Application No.421 of 2018 is deleted.
- ii) Rest of the conditions in that order are maintained.
- iii) The Applicants shall attend all the dates in the trial Court diligently unless prevented by a reasonable cause acceptable to the trial Court.
- iv) With these directions the application is disposed of.

(SARANG V. KOTWAL, J.)