

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.193 OF 2022

Suryakant @ Bandu Ranoji Aandekar & Anr.Applicants
Versus

The State of MaharashtraRespondent

Ms Supriya Kak for the Applicants.

Mrs. P.N. Dabholkar, APP for the State.

CORAM : N.J. JAMADAR, J.

DATE : 8th JULY, 2022

P.C. :

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. This application is preferred seeking modification of the condition imposed by the learned Special Judge, MCOCA Court, Pune, while releasing the applicants on bail in connection with C.R. No.82 of 2021 registered with Khadak Police Station, Pune City, for the offences punishable u/s.120B, 307, 143, 147, 148, 149, 506(2), 109 and 507 r/w.34 of the Indian Penal Code, 1860 ("the Penal Code"), Section 37(1) r/w. 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law Amendment Act and Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. The condition, of which the applicants seek modification, reads as under:-

“3. The applicants are directed not to enter within the jurisdiction of Municipal Corporation, Pune and Pimpri Chinchwad for the period of two years from the date of passing of this order, except for attending the Court cases, without prior permission of this Court.”

4. I have perused the order passed by the learned Special Judge. In Para No.20, the learned Special Judge has indicated the reasons which weighed him in imposing the aforesaid condition. The Court noted that the applicants have been involved in different unlawful activities in the area and have, thus, created a rein of terror. Para No.20 reads as under:-

The applicant No.1 Suryakant has very strong history of crimes. There are statements of witnesses to the effect that he is involved in different unlawful activities in the area and has created a terror while imposing conditions for bail, the Court has to take into account safety of citizens and the likelihood of tampering of the witnesses. So far as other applicants are concerned, they are also having history of crimes. One way or other they are connected to each-other. Continuing criminal activities and repetition of crimes of the applicants can be effectively dealt with and restricted by putting stringent conditions while releasing the applicants on bail. Hence, I pass the following order.

5. In the light of the aforesaid observations, I have perused the report submitted by the jurisdictional police. It seems that the applicants have been allegedly indulging in unlawful activities at Nana Peth, Bhavani Peth and Ganesh Peth, Pune. There are slums

in the said area. The area falls within the jurisdiction of Faraskhana Police Division.

6. The condition of not entering the limits of Pune City and Pimpri Chinchwad Corporation, at the first blush, seems onerous. However, the learned Special Judge has ascribed reasons. Yet, such a wide restriction may affect the livelihood and familial obligations of the applicants. Thus, I weighed the option of imposing restrictions of not entering the limits of area falling within jurisdiction of Faraskhana Police Division. However, having regard to the impracticability of the said restriction achieving the object, which the learned Special Judge had in mind, while imposing the aforesaid condition I am impelled to modify the condition to the extent of the restriction not to enter the jurisdiction of Pimpri Chinchwad Corporation.

7. I am also of the view that depending upon the conduct and behaviour of the applicants in the intervening period, the applicants ought to be granted liberty to seek further modification/relaxation of the condition before the learned Special Judge, after a period of one year.

8. Hence, the following order :-

(I) The applicants – Suryakant @ Bandu Ranoji Aandekar and Danish Mushir Shaikh shall not enter the limits of Pune Municipal Corporation for the period of two years from 04.03.2022, without prior permission of the learned Special Judge.

(ii) The applicants are at liberty to apply to the MCOC Court for further modification/relaxation of the aforesaid condition after a period of one year from 04.03.2022.

9. The application stands disposed.

(N. J. JAMADAR, J.)