

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.311 OF 2022

Bhalchandra Jotiram Kothavale

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sachin M. Bhavar, Advocate for applicant.

Mr.A.A.Palkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th October 2022

PC :

1. Not on board. Taken on board.
2. The applicant is seeking modification of condition stipulated in order dated 3rd May 2021 passed by Additional Sessions Judge, Malshiras below Exhibit-1 in Criminal Bail Application No.13 of 2021. The applicant was granted bail in CR No.513 of 2020 registered with Akulj Police Station for offences under Sections 302, 201 r/w 34 of IPC. From the tenor of the order granting bail it appears that case is based on circumstantial evidence. The applicant was directed not to enter the village where the informant, family members of deceased were residing and to maintain law and order till final disposal of case. The applicant preferred application for modification/relaxation of the said condition before the Court of Sessions, which application has been rejected by order dated 3rd March 2022.

3. Learned advocate for applicant submitted that applicant is away from his residence for a period of more than one year. For a

temporary period, the condition was relaxed for performing Shraddha ceremony of his mother. The applicant had complied said order and there was no breach of the order in any manner. There is no direct evidence against applicant.

4. Learned APP submits that considering the nature of condition, the applicant was directed to stay away from the place where the family members of deceased were residing.

5. Considering the facts of the case, the applicant was directed to stay away for 1½ years. Apparently the case is based on circumstantial evidence. To keep check on the movements of the applicant, he can be directed to report concerned Police Station and not to enter the village.

ORDER

(i) The order dated 3rd May 2021 passed by Additional Sessions Judge, Malshiras below Exhibit-1 in Criminal Bail Application No.13 of 2021 is modified and condition No.4 is deleted to the extent it directs the applicant not to enter in village where informant, family members of deceased are residing, and applicant is directed to report Akluj Police Station once in month on first Saturday of month between 11 am and 1 pm till further orders;

(ii) Rest of the conditions imposed vide order dated 3rd May 2021 shall remain intact;

(iii) The applicant shall not contact in any manner with the informant and the family members of deceased;

(iv) Criminal Application is disposed off.

(PRAKASH D. NAIK, J.)