

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPP) NO.248/2022
IN
CRIMINAL APPLICATION (BA) NO.322/2020 (D)

Pravin alias Munna s/o Shriram Gawande
...Versus...
State of Maharashtra Through Police Station Officer, Civil Lines, Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Daga, Advocate for applicant
Shri Amit Chutke, APP for respondent

CORAM : AVINASH G. GHAROTE, J.
DATE : 22/02/2022

1. This application seeks relaxation of condition no.(ii) in the order dated 23/07/2020, releasing the applicant on bail, which prohibits the applicant from entering the territorial jurisdiction of the Akola Municipal Corporation, during the pendency of the trial, except for the purpose of attending the Court on the dates when the trial is fixed.
2. Shri Daga, learned Counsel for the applicant submits, that since 23/07/2020, the applicant is out of the limits of the Municipal Corporation, Akola. Similar condition imposed upon one of the co-accused namely, Dinesh Rajput,

has been relaxed by this Court by the order dated 05/05/2021 in Criminal Application No.325/2021. He further submits that there are only female members in the family of the applicant, who need to be looked after and so also the daughter of the applicant, who would be appearing in the 10th Board Examination in the ensuing examinations and would require his help.

3. Shri Chutke, learned Additional Public Prosecutor for the respondent opposes the application and submits, that there is an old enmity between the complainant and the accused, which has resulted in Crime No.225/2019, in which, the deceased was assaulted in the office of the Charity Commissioner Akola. He expresses apprehension that if the condition is relaxed, the possibility of such an incident being repeated, cannot be ruled out. He further submits that there have been threats to the family members of the informant, who actually resides within a kilometer of each other and therefore, the application be rejected.

4. It is not disputed that consequent to the order dated 23/07/2020, the applicant has not being permitted to reside within the territorial limits of the jurisdiction of Akola Municipal Corporation, though he has been permitted to attend the Court on the dates when the trial is fixed. The trial is yet to commence, however, charges are framed and is going

to take substantial period of time. It is also not disputed that as of now, there is no male member in the house of the applicant, considering which, condition no.(ii) imposed upon the applicant by the order dated 23/07/2020, can be relaxed for a certain period of time, so as to test the apprehension, expressed by the learned Additional Public Prosecutor, in view of which, condition no.(ii) in the order dated 23/07/2020, is hereby relaxed for a period of three months from today. The further issue of relaxation, can be considered thereafter, based upon the conduct of the applicant and any material, which may be placed in any subsequent application, for further relaxation, which may be filed by the applicant.

5. The criminal application is accordingly allowed in the above terms.

(AVINASH G. GHAROTE, J.)

Wadkar