

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**33 CRIMINAL APPLICATION NO.326 OF 2023
IN APEAL/679/2022**

**GOVIND BALAJI DESAI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Vishal P. Bakla, Advocate h/f Mr. Vikram Kadam, Advocate
for the applicant
Mr. P. N. Kutti, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 21st FEBRUARY, 2023

P. C.

1. This is an application seeking relaxation of condition those were imposed by this court by order dated 10-10-2012 in criminal Appeal No. 679/2022. The applicant is accused in the case filed under the Atrocities Act. The complaint was lodged on 10-08-2022 by the informant. The applicant therefore had approached the Sessions Court seeking bail in the event of arrest in connection with said offence. However, same came to be rejected and therefore, the appeal was filed. This court had imposed the conditions that the applicant shall attend the police station at least twice in a week i.e. every Wednesday and Sunday as per time convenient to the IO and co-operate with the police. Further condition was that the appellant shall not enter into

village Chudawa except Wednesday and Sunday only for the purpose of attending the police station and shall not try to contact the informant or any of the witnesses.

2. It is submitted by the applicant that by now the informant who was working as a Senior Technician in the MSEDL is transferred to some other place and therefore, there is no any apprehension of pressurizing the informant and now the charge-sheet is also filed on 24-11-2022 and the investigation is thus completed.

3. He further submitted that the applicant is attending the police station as per the direction of this court. No purpose would be served by keeping the condition as it is and submits that said conditions needs to be relaxed/modified.

4. Learned APP opposes the application. He submits that though the informant is transferred to some other place there are witnesses who are from the same village and there is a chance of pressurizing the said witnesses. He also submits that though the informant is transferred, he does not have any instructions in respect of the transfer of the informant.

5. Considering the above, this court finds there is no allegation of misuse of liberty granted to the applicant. Hence, justice can be met even by directing the applicant to attend the

police station once in a fortnight and in view of the transfer of the informant he can also be allowed to enter in the village. Hence, the following order:-

ORDER

- a] The criminal application stands allowed.
- b] Condition No. II of the order dated 10-10-2022 be modified as below:-

‘The appellant shall be released on bail on furnishing PR bond of Rs.25,000/- (Rs. Twenty Five Thousand Only) and one solvent surety in the like amount in the event of his arrest in connection with FIR No.115/2022 dated 10-08-2022 for the offence punishable under Sections 353, 332, 504, 506 read with Section 34 of the Indian Penal Code and Section 3(1)(r)(s) of Atrocities Act on a condition that he shall attend the police station at least once in a fortnight i.e. on every second and fourth Sunday of a month as per time convenient to the I. O. and co-operate with the police.’

- c] Condition No. III stands deleted. If there is

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complaint of trying to pressurize the witnesses the prosecution is free to move before this court for cancellation of the said order.

[KISHORE C. SANT, J.]

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