

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

CRIMINAL APPLICATION NO.1201 OF 2023

**GOPAL GOVIND LAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. A. V. Rakh
APP for Respondent: Mr. Y. G. Gujarathi

....
AND
APPLICATION FOR CANCELLATION OF BAIL NO. 20 OF 2023
IN
BAIL APPLICATION NO. 534 OF 2019

**SHITAL SHESHRAO GHOGARE
VERSUS
GOPAL GOVIND LAKADE AND ANOTHER**

...
Advocate for the applicant Mr. P. B. Vaidya
Advocate for respondent No.1 Mr. A.V. Rakh
A.P.P. for respondent No.2 State : Mr. S. B., Narwade

...
CORAM : S. G. MEHARE, J.

DATE : 19.07.2023

PER COURT :

The applicant/accused Gopal has filed the application for relaxation of the condition imposed upon him not to enter village Borwati Taluka and District Latur, till the conclusion of trial while granting bail in Bail Application No. 534 of 2019 dated 3rd May, 2019,

on the ground that since long he was honestly observing the bail conditions. There was no progress in the trial. He has old aged mother who is suffering from old age diseases. He wants to support his mother.

2. The injured has filed an application for cancellation of the bail as the applicant violated the bail condition by entering into the village.

3. Both sides have filed bunch of documents.

4. The learned counsel for the victim vehemently argued that the Non cognizable offences were registered against the applicant and lastly he entered the village on 10.03.2023. To support his contentions, he placed on record the spot panchnama dated 10.03.2023, drawn by the Sub Registrar Co-operative Societies, Renapur, wherein the applicant has been shown present.

5. The learned counsel for the accused would submit that he did not deliberately attend the process of spot panchnama; however, he was called upon by the Sub Registrar to remain present and hence, to obey his request he attended the spot. He would also argue that

the plot which was inspected and the accused was present on that plot was outside the limit of village Borwati. He filed the letter issued by the Gram Sevak of village Panchayat Office, Borwati.

6. The learned counsel for the victim has vehemently opposed this application. He would submit that it was a residential locality within the limit of village Borwati. The letter of village panchayat is vague. He has mentioned that entry of the said plot is not the in original Gavthan area.

7. There is material against the accused that he was present on the 10.03.2023 in village Borwati. He ought to have sought the leave of this Court for attending the proceeding of spot panchanama drawn by the Sub Registrar Co-operative Societies Latur. The panchnama proves that in violation of the bail condition, he entered village Borwati. Beside the said panchnama, there are Non cognizable offences registered against the applicant.

8. The papers placed on record indicate that the applicant had no regard to the bail conditions imposed upon him by this Court while enlarging him on bail. The material placed on record is

sufficient to believe that he entered village Borwati. The explanation of the accused is not convincing. It is evident that he has violated the bail condition. Hence, the following order.

ORDER

- (i) The Criminal Application No. 1201 of 2023 stands dismissed.
- (ii) The Application for Cancellation of Bail 20 of 2023 stands allowed.
- (iii) The bail granted to the applicant Gopal Govind Lakade by this Court vide order in Criminal Bail Application No. 534 of 2019 dated 3rd May 2019 stands cancelled as the applicant has violated the bail condition not to enter village Borwati Taluka and District Latur.
- (iii) The Bail bonds and surety bonds of the applicant stand canceled.
- (iv) The accused/ applicant Gopal Govind Lakade to surrender before the learned Additional Sessions Judge, Latur on or before 8th August, 2023.

(S. G. MEHARE)
JUDGE

ysk/