

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1929 OF 2023
IN BA/1514/2021

DIPAK @ BHAUSAHEB BABURAO SINGAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nitin Bhavar Patil LLP Advocate and
Legal Consultancy
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 17-07-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking relaxation of condition imposed by this Court vide order dated 22.09.2022 in Bail Application No.1514 of 2021 i.e. 'applicant not to enter the jurisdiction of village Bhojade Chowki, Taluka Kopergaon, till conclusion of the trial'.
3. The learned counsel for the applicant would submit that there is no material progress in the trial. There is no possibility of conclusion of the trial in near future. The applicant is an agriculturist and nobody was there to look after his fields. He did not breach the bail condition. No purpose would be served by

keeping the applicant away from his village. Hence, condition may be relaxed.

4. An opportunity was granted to the Investigating Officer to make a submission. The learned A.P.P. would submit that two letters were addressed to the Investigating Officer to make the submission whether the applicant has breached the condition, but he did not respond. Since the Investigating Officer did not respond, an adverse inference has been drawn against him and statement of the applicant is believed that he did not violate the bail condition.

5. There appears a substance in the submission of the learned counsel that no purpose would serve by keeping the applicant away from his village. No harm would be caused to the prosecution and witnesses, if the application is allowed. Hence, the order :-

- i) The application is allowed.
- ii) Bail condition No.(III)(A) of the order dated 22.09.2022 in Bail Application No.1514 of 2021 to the extent of not to enter the jurisdiction of village Bhojade Chowki, Taluka Kopargaon, till conclusion of the trial', stands relaxed.

(S. G. MEHARE)
JUDGE