

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1969 OF 2023
IN APEAL/132/2023

Samadhan Bajirao Sonwane and another .. Applicants

Versus

The State of Maharashtra and another .. Respondents

...

WITH

CRIMINAL APPLICATION NO.1970 OF 2023
IN APEAL/920/2022

Sahebrao Punjaji Sonwane and another .. Applicants

Versus

The State of Maharashtra and another .. Respondents

...

Mr. Shailesh S. Chapalgaonkar, Advocate for applicants in both the matters.

Mr. S. J. Salgare, Advocate for respondent No.1 – State in both the matters.

...

CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : AUGUST 04, 2023.

ORDER :-

- . Heard learned Advocate for the applicants - original appellants.
2. This Court by judgments dated 01.03.2023 and 05.01.2023 respectively allowed the appeals and directed the release of appellants – applicants on bail. The appellants came to be arrested in

connection with Crime No.322 of 2022 registered with Kopargaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 302, 354, 294, 326, 324, 323, 504, 506, 509, 143, 144, 147, 148, 149, 427 of Indian Penal Code and under Section 3(1)(r), 3(1)(s), 3(2)(5), 3(2)(v-a), 3(1)(w), 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In the said judgments, condition No.(iv) was imposed while releasing the them on bail of which the applicants want relaxation. The said condition No.(iv) reads thus :-

“iv) The appellants shall not enter the jurisdiction of village Manjur, Tq. Kopargaon, Dist. Ahmednagar till the conclusion of trial. They should reside elsewhere, and before submission of bail papers, the appellants should give complete address of their residence with their mobile numbers to the Trial Court as well as to the Investigating Officer.”

3. It is to be noted from those judgments itself that this Court had taken note of the long standing rivalry and, therefore, it was specifically observed that taking into consideration the long standing rivalry, same restrictions are required to be imposed on the appellants also, which were imposed on the co-accused. Definitely, the liberty of each citizen is of prime importance, but when it comes to granting of

bail, the Courts are required to take into consideration the fear in the mind of the witnesses also. Life and liberty of the witnesses is also equally important and, therefore, the said condition was imposed, which need not be relaxed till the conclusion of the trial. Hence, the applications stand rejected.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

scm