

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

**CRIMINAL APPLICATION NO.3190 OF 2023
IN BA/104/2022**

**AMIT MOHAN PATIL
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. M. B. Kolpe, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 20th SEPTEMBER, 2023.

PER COURT:-

1. The applicant seeks relaxation of the condition put to him vide bail order dated 21.02.2022 in Crime No.288/2022 registered with Dhoki Police Station, Dist. Osmanabad for the offences punishable under Sections 304-B, 498-A r/w 34 of the Indian Penal Code.

2. The learned Advocate appearing for the applicant submits that applicant's family is dependent on agricultural income. The applicant and his father have been released on bail vide order dated 21.02.2022 in the aforesaid crime subject to condition that they shall not enter village Bavi and village Khed till conclusion of the trial. He would submit that father of the applicant was subsequently permitted to enter in the agricultural land and cultivate the same. However, now in view of the medical advise, it would not be possible for his father to cultivate the land. He would further point out that the charge is already framed

before the Sessions Court, however, trial may take its own course. Therefore, he seeks relaxation of the condition and permission to applicant to enter in the agricultural land only for the purpose of cultivation, as and when required.

3. The learned APP opposes the application stating that since witnesses are from the same village, the condition was imposed.

4. Having considered the submissions advanced, it is apparent that initially the Bail Application was moved by the applicant and his father Mohan Janardhan Patil. They were released on bail vide order dated 21.02.2022 with condition that they shall not enter in the village Bavi and village Khed till conclusion of the trial. Thereafter, vide order dated 03.08.2022 passed in Criminal Application No.1284/2022, the father of the applicant namely Mohan Janardhan Patil was permitted to visit his land for cultivation, as and when required. The medical certificate placed on record shows that the father of the applicant is advised not to expose to sunlight and take bed rest. It is apparent that, none other than the applicant is available to cultivate the land. The trial is likely to take its own time. After release of the applicant, he has scrupulously followed the condition and there is no complaint of any attempt to tamper the evidence. Considering the conduct of the applicant and difficulty as shown, it would be appropriate in the interest of justice to relax the condition to certain extent. Hence the following order:

ORDER

- (i) The Criminal Application is partly allowed.
- (ii) The condition no.2 imposed vide order dated 21.02.2022 in

Bail Application No.104/2022 is partly relaxed. The applicant is permitted to visit his land for cultivation as and when required, however, he shall not enter in the village Bavi and village Khed except for entering into his land.

(iii) The Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE