



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.3370 OF 2023
IN BA/1115/2022**

1. Bhaurao S/o. Punja Wagh,
Age: 66 years, Occu: Agri,
2. Nanabhau S/o Punja Wagh,
Age: 71 years, Occu: Agril,
3. Ravi S/o Kundlik Tanpure,
Age: 52 years, Occu: Agri

All R/o Waghwadi, Tq. Newasa,
Dist. Ahmednagar.

..Applicants

Versus

The State of Maharashtra,
Through the Police Station Officer,
Sonai Police Station, Tq. Newasa,
Dist. Ahmednagar.

..Respondent

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Mr. N. B. Patekar, Advocate for the Applicants.
Mr. S. A. Gaikwad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th DECEMBER, 2023.**

PER COURT:-

1. The applicants are seeking relaxation of condition imposed vide order dated 21.09.2022 in Bail Application No.1115/2022.

2. The applicants had approached this Court for grant of bail in Crime No.128/2022 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Sections 37(1), 37(3) and 135 of the Bombay Police Act. This Court by order dated 21.09.2022 granted bail to the

applicants subject to condition that the applicants shall not enter village Lohgaon, Tq. Newasa, until conclusion of trial and applicants shall not tamper with the prosecution evidence.

3. The learned Advocate appearing for the applicants submits that the applicants are depending for their livelihood on agriculture. Their land is situated at Lohgaon, Tq. Newasa, Dist. Ahmednagar in Gut Nos.101 and 366/2. He would point out that all the applicants in pursuance of the conditions imposed by this Court have not entered village Lohgaon, Tq. Newasa, since the date of their release. As such, their lands could not be personally cultivated. He would point out that the lady members of the family are also no more. He points out that Jyoti Ravindra Tanpure, who is wife of applicant no.3 expired on 15.09.2023, whereas mother of applicant no.3 expired on 09.05.2021. As such, cultivation of the lands become impossible. He would point out that the criminal case is already committed. The learned Advocate appearing for the applicants on instructions submits that the applicants are seeking partial relaxation only to the extent that they may be permitted to enter agriculture lands for the purpose of cultivation and the applicants would not enter village Waghwadi, Tq. Newasa, Dist. Ahmednagar where informant or witnesses resides.

4. The learned APP opposes the application. He points out that earlier similar prayer for relaxation of the condition has been rejected by this Court vide order dated 18.01.2023 in Criminal Application No.3910/2023 in Bail Application No.1115/2022.

5. Having considered submissions advanced, it is apparent that this Court had put specific condition that the

applicants shall not enter village Lohgaon, Tq. Newasa, until conclusion of the trial. It appears that, till this date charge is not framed and trial is likely to take its own time. Apparently, applicants are agriculturist and depending upon the income from the cultivation of the agriculture land situated at Lohgaon, Tq. Newasa, Dist. Ahmednagar. The applicants could not reach to their lands since the date of their release in the month of September-2022. The period of 15 months have been passed. Further, lady members of the family, who could have contributed in cultivation of the land are no more. Looking to the aforesaid aspects, the following order is passed.

ORDER

- (i) Criminal Application is partly allowed.
- (ii) The condition no.(iii) as incorporated in the order dated 21.09.2022 in Bail Application No.1115/2022 is hereby modified to the extent that applicants can enter their lands situated at Lohgaon in Gut Nos.101 and 366/2 for the purpose of cultivation. However, they shall not enter village Waghwadi, Tq. Newasa, Dist. Ahmednagar till conclusion of trial.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE