

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3690 OF 2023
IN APEAL/51/2023

Mahesh Subhash Kadam
(In FIR mentioned as Yuvraj Kadam)
Age: 21 years, Occu.: Agri., (Now Labour)
R/o. Singnapur, Tq. and Dist. Parbhani,
At Present C/o. Vishnu Subhash Kalyankar
Shri Gajanan Canteen, Opposite of
Gate No.5, JNEC Collect, Chistiya Chowk,
CIDCO, Aurangabad.

.. Applicant

Versus

1. The State of Maharashtra
Through In Charge Officer,
Police Station Daithana,
Tq. and Dist. Parbhani.

2. Balaji Motiram Kamble
Age : 21 years, Occu.: Labour,
R/o. Singnapur, Tq. and Dist. Parbhani.

.. Respondents

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Mr. S. J. Salunke, Advocate for the applicant.
Mr. A. M. Phule, APP for respondent No.1 – State.

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

DATE : 11th October, 2023.

ORDER [Per Smt. Vibha Kankanwadi, J.] :-

. Not on board. Upon mentioning, matter is taken on board.

2. Heard learned Advocate for the applicant and learned APP for the respondent – State.

3. Present application has been filed for modification of condition imposed by this Court to the bail order granted in favour of applicant by this Court on 20.02.2023 in Criminal Appeal No.51 of 2023. Condition was imposed that the applicant shall not reside at Singnapur, Taluka and District Parbhani till the conclusion of trial. It is stated that the applicant is an agriculturist. As he cannot enter his village, he is serving as a waiter at Aurangabad. No conditions have been imposed on the co-accused by the learned Special Judge. The applicant is 21 years old and wants to marry and being a waiter, he is not getting suitable bride. Family members of girl are unwilling to perform marriage, as the applicant is not residing at the native place.

4. We do not find any substance in the reasons stated. There was reason behind imposing such condition. Taking into consideration the seriousness in the offence and the situation in the village not to get escalation, the said condition was imposed. Merely because another co-accused has not been imposed with such condition, there cannot be a modification. In the said order itself when the bail was granted to this applicant, co-accused Angad Khillare and Mohan Khillare were also released on bail and both the appellants then were directed not to enter the village. That means to all the co-accused, there is such condition. The application therefore stands rejected.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm