

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 916 OF 2023

Vinod Hiranman Khade

Appellant

Versus

States of Maharashtra & another

Respondents

Mr. M. G. Kochar, Advocate holding for Mr. B. R. Warma, Advocate for the appellant.

Mr. N. B. Patil, APP for the State.

Mr. S. P. Sonwane, Advocate (appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 6th DECEMBER, 2023.

PER COURT :

1. Learned APP states that respondent No. 2/informant is duly served with notice of this appeal. However, none appears on behalf of the informant.

2. In view of Section 15A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, learned counsel Mr. Sonwane is appointed to represent respondent No. 2.

3. This appeal is filed against order dated 18th September, 2023 passed by learned Additional Sessions Judge rejecting

application Exhibit 37 seeking relaxation of condition imposed by order dated 10th February, 2023 passed below Exhibit 17 in Special Case No. 41/2022.

4. Learned counsel for appellant states that appellant is out of town for last 10 months and that his wife has lodged report against the informant herein.

5. Learned APP and learned counsel for the informant opposed the appeal by stating seriousness of the crime as well as offence under Atrocities Act.

6. Perusal of record indicates that learned Additional Sessions Judge by order dated 10th February, 2-23 has granted regular bail to the appellant by imposing condition that he should not enter Parola town till further order. Application Exhibit 37 seems to have been rejected with observation that it is open for the appellant to seek permission of the Court for the purpose of entering the town.

7. This Court is of the view that the condition imposed by the learned Trial Court is now excessive. It can be understood that

at the time of grant of bail for a reasonable period the appellant/accused can be prevented from entering into the town. However, this period cannot be extended for 10 months or more having regard to the nature of offence.

8. In the result, appeal is allowed. Condition in clause No. 3 of the operative order dated 10th February, 2023 stands cancelled.

9. Fees of the appointed counsel is quantified at Rs. 3,000/-.

(R. M. JOSHI)
Judge

dyb