

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1046 OF 2023
IN
CRIMINAL APPEAL NO.794 OF 2022**

Dada @ Hanumant Khandu Jadhav	.. Applicant/ Appellant
Versus	
State of Maharashtra and anr.	.. Respondents
...	

Mr. R.V. Bansode, for the applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. Vaibhav Gaikwad a/w Atharva R.B. for respondent no.2.

**CORAM: BHARATI DANGRE, J.
DATED : 25th SEPTEMBER, 2023**

P.C:-

1 The application seek modification of the condition imposed, for releasing the applicant on bail in the order dated 2/08/2022.

 The condition no. (v) of the order directing the applicant to stay out of Man Tahsil, District Satara, till further orders.

2 The imposition of the aforesaid condition has a background.

 On 26/09/2018, a C.R. was registered against the present applicant on the complaint, which invoked Section 376 of IPC and he came to be arrested. He was released on bail on

26/04/2019.

It is alleged that, on 29/04/2019, he followed the complainant and forwarded her messages and also made video calls. The complainant, therefore alleged commission of a cognizable offence, which resulted in registration of C.R. No. 93 of 2019 with Mhaswad Police Station, which now invoked Sections 3(1)(w)(i), 3(2)(va) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act as well as Section 354- D, 509 of IPC and Section 7(1)(d) of the Protection of Civil Rights Act.

3 Considering the submission that the appellant was in custody for more than 3 years and alleging that there was a breach of a condition, which resulted in registration of FIR under Section 354 - D of IPC, the Court deemed it fit to release him by imposing a stringent condition as per the say of the Public Prosecutor and hence he was directed to stay out of the Man Tahsil.

The applicant himself, has to be blamed for the said situation and no doubt it may be true, that the onerous condition is causing an inconvenience, to him as he has to stay out of Man Tahsil, where according to him, he has agricultural land, but since his liberty was secured to him, subject to the stipulation, on being an accused of an offence for the second time by the complainant and the accusations being of serious nature, the Court deemed it fit to release the applicant on bail, subject to the several stipulations, which included the condition of staying out of Man Tahsil.

4 I do not think there is any legal infirmity in the said order and definitely it do not warrant any modification as there is every possibility that the applicant may indulge into the same act.

5 In the wake of the above, the application is rejected.

Needless to state that the observations made above are limited to the present application.

(SMT. BHARATI DANGRE, J.)