



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1004 CRIMINAL APPLICATION NO. 1913 OF 2024

SUNIL RAJU GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ingole Dhanraj S.
AGP for Respondent/s-State : Ms. P R. Bharaswadkar.
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CORAM : S. G. MEHARE, J.
DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/State.
2. The applicant was granted bail by the learned Additional Sessions Judge, Shrigonda, dated 22.01.2024 imposing condition that the applicant shall not enter the village Chimbhale and Hangewadi till further orders. The applicant moved an application before the Additional Sessions Judge on 20.04.2024 to relax that condition. The learned Additional Sessions Judge obtained the say of the prosecution and rejected the said application on 22.04.2024.
3. Learned counsel for the applicant would submit that the charge sheet has been filed. During the said period, there were

no complaints against the applicant. Applicant is a farmer. His family depends upon his income. However, the learned Sessions Judge has erroneously held that if the condition is relaxed, there is every possibility of commission of any offence as well as tampering with witnesses and threatening of the injured witnesses. He would further argue that imposing the condition for uncertain period is causing hardship to the applicant. He has sincerely obeyed the order for about four month. He did not violate the condition. Considering his profession, it is a hard condition against him and that is affecting his family. Hence, the impugned order may be quashed and set aside.

4. Learned APP has strongly opposed the application. He would submit that the Trial Court has a material to consider the case. Therefore, this condition was imposed. The possibility of tampering with the prosecution witnesses cannot be ruled out. The offence is serious.

5. Perused the order granting bail on condition. The applicant was arrested for the offence punishable under Section 307, 120-B, 201 read with Section 34 of the IPC. There appears no complaint against the applicant that he has violated the bail conditions. He seems to have obeyed the

condition for about four (4) months. The bare apprehension of prosecution for tampering with the prosecution witnesses and commission of the similar offence is not sufficient. The impugned order does not reflect that the crime of a similar nature has been registered against the applicant. It appears that the learned Sessions Judge held in observing that there were no change in circumstances. Normally, the change in circumstance is not a ground for relaxing the bail conditions. The conduct of the applicant should have been considered, if the accused has obeyed the bail conditions, those may be considered for relaxing the conditions. Here in the case, there were no complaints against the applicant that he has violated the bail conditions. He is an agriculturist. There was no material to believe that he may commit a serious crime again.

6. Considering the facts and circumstances of the case, this Court is of the view that if condition No.(iii) imposed while granting bail is relaxed, it would not cause harm to the prosecution or to any witness. Hence, the following order :

ORDER

- (i) Application is allowed.

- (ii) The order of the learned Additional Sessions Judge, Shrigonda, passed in Sessions Case No.12 of 2024, dated 22.04.2024 below Exh.8 is quashed and set aside and application Exh.8 is allowed.
- (iii) The bail condition in bail order dated 22.01.2024 stands relaxed.

(S. G. MEHARE, J.)

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vmk/-