



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO.1929 OF 2024
IN
CRIMINAL APPLICATION NO.1314 OF 2022
IN
CRIMINAL APPEAL NO.282 OF 2022

Akash @ Gotya Ashok Ghode

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

Mr. Vishal Chavan h/f. Mr. Devang R. Deshmukh, Advocate for Applicant
Mr. S. D. Ghayal, Addl. P. P. for the Respondent / State.

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : SEPTEMBER 26, 2024

PER COURT :-

. This is the Application by Applicant namely Akash @ Gotya Ashok Ghode for relaxation of condition no.(iii) imposed upon him by this Court while suspending the sentence and releasing him on bail by Order dated 30.11.2022 in Criminal Application No. 1314 of 2022 in Criminal Appeal No.282 of 2022, which reads thus:

“(iii) Applicants in both the applications shall not enter Taluka Ambad, District Jalna, till decision of the appeals.”

2. Heard learned Advocate for the Applicant and learned Addl. P. P. for the State.

3. It is submitted by learned Advocate for the Applicant that

near about two years have elapsed since the imposition of aforesaid condition. He submits that the Applicant's presence is required since his sister has become a marriageable age. He further submits that Applicant's presence is also necessary for the agricultural operation upon which the livelihood of his family is dependent. He submits that the Applicant has not breached the said condition imposed on him.

4. The learned Addl. P. P. submits that the concerned P.S.O. has sought time to respond to the Application.

5. On previous occasions also, the State had sought time for instructions on the Application, however till date no instructions are received by the learned Addl. P. P. Hence, we are not inclined to grant further time.

6. There is nothing to show that the Applicant has breached the condition no.(iii) of the order dated 30.11.2022. It is needless to state that, once the said condition was relaxed, so that the Applicant could cast his vote in the Parliament election. Nothing adverse had taken place at that time. The condition is imposed in the month of November – 2022. Period of about 22 months has passed. There is no possibility that the Appeal would be heard in near future. Reasons given by the Applicant for relaxation of the condition appear to be genuine. In this view of the matter, the following order is passed.

ORDER

(i) The Application is allowed to the extent of Applicant namely Akash @ Gotya Ashok Ghode in terms of prayer clause 'B' and stands disposed of.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP