



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

997 CRIMINAL APPLICATION NO. 4226 OF 2023

Govind Khandu Mokate

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Naik Thigle Girish K

APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 27th FEBRUARY, 2024.

PER COURT :-

1. Perused the report received from learned District Judge-4 and Additional Sessions Judge, Ahmednagar, dated 26.2.2024.
2. This is an application for relaxation of condition No. [c] of operative part of the order dated 5.4.2023, passed by the Additional Sessions Judge, Ahmednagar below Exh. 64 in Special Case No. 85 of 2022.
3. Learned advocate for the applicant submitted that now the evidence of the prosecutrix is recorded, which shows that it was consensual sexual relationship between the applicant and the prosecutrix, who is married. He therefore, submitted to allow the applicant to enter in Ahmednagar district and city except within the limits of village Bolhegaon, Tq. and district Ahmednagar, where the prosecutrix resides.

4. Learned A.P.P. for the State strongly opposed the application and submitted that the applicant is booked under the provisions of Maharashtra Control of Organised Crimes Act, 1999. He has criminal antecedents. The applications for cancellation of his bail are also filed by the prosecutrix as well as the State. Considering the serious nature of crime, she lastly prayed to reject the application.

5. After passing the order dated 5.4.2023 by the Additional Sessions Judge, Ahmednagar, there is no such incident that the applicant disobeyed the order of not entering into the limits of Ahmednagar district. The applicant is residing in village Imampur, Tq. and district Ahmednagar. Considering the facts and circumstances of the case, it would be appropriate to relax the condition as under:-

- a) The applicant shall enter within the limits of Ahmednagar district and city except village Bolhegaon, Tq. and district Ahmednagar, where the prosecutrix resides.
- b) The sub-clause [c] of order dated 5.4.2023 stands modified to the above extent only.
- c) The application is disposed of.

(SANJAY A. DESHMUKH, J.)

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