

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**Interim Application No.2001 of 2024
In
Anticipatory Bail Application No.3645 of 2022**

1. Yashwant Vishvambhar Gavali
@ Gawali, Aged about 59 years,
Occupation: Agriculturist
2. Gaurav Yashwant Gavali
@ Gawali, Aged about 26 years,
Occupation: Education
Both are residing at Penur,
Taluka: Mohol, District – Solapur ... Applicants
v/s.
1. State of Maharashtra
through Mohol Police Station, Solapur
2. Maruti Vishvambhar Gavali
Aged about 54 years, Occupation-
not known, Residing at Penur, Tal-
Mohol, Dist. Solapur. ... Respondents

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Mr AS Khandeparkar, Senior Advocate, a/w. Mr Rohit P Mahadik, Mr Rushikesh G Bhagat and Mr Vaibhav Kulkarni, i/b. Khandeparkar & Associates, for the Applicants.

Mr MG Patil, APP, for State/Respondent.

Mr Ritesh Thobde, a/w. Ms Zubi Ansari, for the Original Complainant.

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**Coram : R.N. Laddha, J.
Date : 10 October 2024**

P.C. :

By this interim application, the applicant seeks relaxation of conditions (c) and (d) imposed by this Court [Coram : MS Karnik,J.] vide order dated 24 February 2023 in Anticipatory Bail Application No.3645 of 2022. The relevant operative part of the order reads thus:

"(c) The applicants shall not reside within the jurisdiction of the Mohol Police Station for a period of 6 months from today.

(d) The applicants shall make an appropriate application before the trial Court for seeking permission to enter the jurisdiction of the Mohol Police Station after 6 months and if any such application is made, the trial Court shall consider the same on its own merits."

2. Mr AS Khandeparkar, the learned Senior Counsel, appearing on behalf of the applicants, submits that since six-month period has already been elapsed, the condition (c) in the order dated 24 February 2023 has become redundant. Consequently, the applicants now seek only the relaxation of condition (d) of the anticipatory bail order. The applicants own agriculture land, and during their absence, a theft occurred. The dispute in question is between two brothers. The applicants have adhered to all the conditions imposed by this Court in

the order dated 24 February 2023. They fear encroachment on their land due to their absence from the village. As they rely on the income from their agricultural land, they are unable to manage agricultural activities. The learned Senior Counsel, based on the instructions of the applicant submits that the applicants are ready and willing to attend the concerned police station, twice a week. After passing the impugned order, no complaints or grievances have been raised by the informant or witnesses against the applicants. The investigation is complete, and the charge sheet has been filed; however, the trial has yet to commence.

4. Mr MG Patil, the learned APP representing respondent/State, and Mr Ritesh Thobde, the learned Counsel appearing on behalf of the first informant, jointly acknowledge that the investigation has concluded and a charge sheet has been filed; however, the trial has not yet commenced. They also acknowledge that since the order was passed, no complaints have been made against the applicants either by the informant or witnesses. The learned APP, on instructions, also acknowledges that the applicants have complied with the bail conditions. Nevertheless, the learned APP and the learned Counsel for the first informant, submit that, given the serious nature of the offence committed by the applicants, the bail conditions may not be relaxed.

5. It is undisputed that the investigation has concluded, the charge sheet has been filed, and the trial has yet to commence. It is also not

contested that the applicants have complied with the conditions imposed by this Court to date. The applicant's livelihood depends on agricultural income, and in their absence, theft occurred at their house. Considering these circumstances, this Court finds it appropriate to modify condition (d) imposed by this Court by an order dated 24 February 2023 in Anticipatory Bail Application No.3645 of 2022 and substitute it with the following condition.

"(d) The applicants shall attend the concerned police station twice a week until conclusion of the trial.

6. The rest of the order remains unchanged.
7. The interim application stands disposed of accordingly.

[R.N. Laddha, J.]