

Shailaja

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

**INTERIM APPLICATION NO.3751 OF 2023
IN
CRIMINAL BAIL APPLICATION NO.3102 OF 2021**

Bhagwan Daji Jadhav	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

.....
Mr. Samay Pawar i/b Mr. Satyavrat Joshi, for Applicant.

Mr. A.A. Palkar, A.P.P, for Respondent – State.

Mr. Deepak N. Salvi a/w Mr. Sahil Salvi, Mr. Sagar Redkar and Mr. Narendra Kalpoth, for Complainant.

Mr. Shivaji M. Mali, P.H. 558, Kadegaon Police Station, District Sangli present.

.....
CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 20th March, 2024.

P.C.

1. This is an application seeking relaxation/modification of condition (iii) in the bail order passed by this Court (Coram: Revati Mohite Dere, J.) in Criminal Bail Application No.3102 of 2021 on 13th September, 2021. The condition No. (iii) reads thus;

“(iii) The applicant shall not enter Sangli District till the conclusion of the trial, except for the purpose of attending the trial Court and reporting to the police station, as directed vide clause (ii) above;”

2. Heard learned Counsel for the applicant – original accused as well as learned Counsel for the intervener and the learned A.P.P.

3. Learned Counsel for the applicant would argue that ever since the applicant has been released on bail, he has not misused the liberty granted in his favour. The applicant is an agriculturist by profession and requires to cultivate his ancestral land which is within the jurisdiction of *Sangli* District at Village *Nimsod*. It is submitted that applicant is the sole bread earner of the family. His son is in judicial custody. He seeks relaxation of condition to facilitate him to look after agricultural work by entering in Village *Nimsod* District *Sangli*.

4. While strongly opposing the application, learned Counsel for the complainant - intervener has tendered an affidavit sworn by the complainant – Rohini Suryakant Jadhav giving minute details as to how the applicant as well as next of his kin have been threatening

the complainant and her family members. It is submitted that the complainant is undergoing treatment for cancer at *Krishna Hospital, Karad* since 2013. She has two daughters aged about 10 years and 4.5 years respectively. There is no male member in the family ever since murder of her husband by the applicant and his son. She has an apprehension that in case condition (iii) is relaxed, there is danger to her life as well as life of her daughters at the hands of the applicant. She has tendered certain complaints lodged with *Kadegaon* Police Station.

5. Learned A.P.P, on instructions, submits that the charge has already been framed and the first witness would be examined on 26th March, 2024. He has tendered a report of the Police Inspector, *Kadegaon* – Vinay Bahir dated 18th March, 2024 which clearly reveals the offences registered against the applicant and his son right from the year 2019 till 2024. Looking to the said offences and also in view of the rivalry between the families, apprehension expressed by the complainant cannot be said to be without any substance. The report reveals that there would be a question of law and order and there would be threat to the life and limb of

the complainant and her family members. It appears that the complainant has moved an application seeking protection from the Police.

6. Having considered the submissions at bar and also in view of the fact that the trial has already commenced, the application stands rejected.

7. The concerned Police Inspector of *Kadegaon* Police Station is directed that if required, he may give sufficient protection to the complainant and her family members on usual terms and conditions.

8. The application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]