

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

CRIMINAL APPLICATION NO. 39 OF 2024

Sadanand Waman Bansode .Applicant

Versus

The State of Maharashtra .Respondent

Mr. Rahul S. Kate, Advocate, for the Applicant
Mr. Shriram Chaudhari, APP, for the Respondent – State

**CORAM: MADHAV J. JAMDAR, J.
DATE: 16.02.2024**

P. C.

1. Heard Mr. Kate, learned counsel appearing for the Applicant.
2. By this Application, the Applicant is seeking relaxation of condition No. D of the Order dated 06.11.2023 passed by the learned Additional Sessions Judge, Baramati in Cri. B. A. No. 1478 of 2023. Said operative order dated 06.11.2023 reads as under :-

“ORDER

1. The application is allowed.
2. Applicant - accused Sadanand Waman Bansode be released on bail on his executing P. R. Bond of Rs. 60,000/- with one or two sureties in like amount only in this Crime No. 597/2023 registered for the offence punishable under Sections 376 and 506 of the Indian Penal Code at Baramati City Police Station, on the following

conditions :-

A) He shall not tamper with prosecution evidence in any manner.

B) He shall not leave India without prior permission of the Court.

C) He shall not contact with the informant - victim or any person related to her or or any other prosecution witnesses by any means till completion of recording of the evidence.

D) **He shall not enter in the vicinity of Daund, till completion of recording of evidence of the informant** and also not to follow her.

E) He shall inform his new address to the Investigating Officer as well as to this Court.

F) He shall attend each and every date of the trial.

3. If he disobeyed any of the above conditions, the prosecution is at liberty to move the Court for cancellation of bail.”

(Emphasis added)

3. Clause D specifies that the Applicant shall not enter in the vicinity of Daund, till completion of recording of evidence of the informant and also not to follow her.

4. Mr. Kate, learned counsel appearing for the Applicant submitted that the Applicant wanted relaxation of condition No. D to the extent that he shall not enter in the vicinity of Daund. However, it is relevant to note paragraph Nos. 6 & 7 of the aforesaid Order, by which the Bail has been granted to the

Applicant. The said paragraph Nos. 6 & 7 of the aforesaid Order read as under :-

“6] The victim in her affidavit has stated that the relatives of the accused are pressurizing her to to help them in getting the bail or otherwise they will see her and they have abused her. Therefore, she has filed N.C.R.No. 399/2023 on 28.08.2023. She has also filed on record the complaint application given to police on 30.10.2023.

7] Now, the investigation has been completed. Further the say filed by Investigating Officer is silent on the point of necessity of custodial detention of the accused. So far as apprehension raised by the victim is concerned, imposition of stringent condition may suffice the purpose. Under such circumstances, the application deserves to be allowed. Hence, the order.”

5. Thus, it is clear that the victim in her affidavit has stated that the relatives of the accused are pressurizing and threatening her. However, the learned Judge has granted bail, as investigation is complete and the custodial interrogation of the Accused is not warranted. However, the learned Sessions Judge has specifically observed in the order that imposition of stringent conditions are required and therefore, imposed the conditions. The victim/informant is staying at Daund, District - Pune. Therefore, no case is made out for relaxation of condition. Hence, the Application stands rejected.

[MADHAV J. JAMDAR, J.]