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Uday S. Jagtap

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

**CRIMINAL APPLICATION NO. 1566 OF 2018
IN
CRIMINAL BAIL APPLICATION NO. 1581 OF 2018**

Hyderali Abdulrashid Shaikh .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....
Mr. Ajit Kenjale a/w Sai Kadam, Azharuddin K., Prachi Deokar i/b
Sohil Gulabani for the applicant
Mr. Mayur S. Sonavane, APP for the respondent – State
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 8th MAY, 2024.

P.C.

1. Heard learned Counsel for the applicant and the learned APP.
2. At the outset, Mr. Kenjale, learned Counsel for the applicant prays for modification of condition (iii) in the bail order dated 23rd July 2018 passed by this Court, which restrained the applicant to reside at Satara and within the jurisdiction of Kondwa Police Station jurisdiction, till conclusion of the trial. He submits that the mother

of the applicant is 80 years old who needs continuous medical assistance and there is no one else than the applicant to take care of his mother. The applicant also has two children and, therefore, it is prayed that the condition (iii) restraining the applicant from entering into the jurisdiction of Satara City needs to be relaxed.

3. Mr. Sonavane, learned APP strongly objects on the ground that looking to the nature of the offence, more particularly, violation of Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013, the condition may not be relaxed, else it would result in influencing and threatening the witnesses who are residents of Satara.

4. Learned APP invites my attention to the house search panchanama of the applicant from where the Investigating Officer had seized several objectionable articles used for committing black magic and Aghori practices.

5. Mr. Kenjale, however, submits that these articles are planted by the police. Mr. Kenjale is at pains to invite my attention to para 5 of the order of bail wherein it has been observed that there were

several agreements between the husband of the complainant and the applicant, where the applicant had invested money in the business of the husband of the complainant even during the period when there were allegations of ravishing the complainant at the hands of the present applicant.

6. Having considered the aforesaid facts and also considering the submission that the applicant's mother is 80 years old, who needs continuous medical assistance, I am inclined to relax the condition of bail.

7. The application is allowed. Condition (iii) of the bail order dated 23rd July 2018 stands relaxed. However, the applicant shall attend Satara City Police Station on every Sunday between 10.00 a.m. to 12.00 noon.

8. Needless to state that the applicant shall not make any attempt either directly or indirectly to influence, coerce or threaten any of the witnesses. In case, he commits breach of any of the conditions, the prosecution is at liberty to seek cancellation of relaxation of condition (iii).

9. The application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)