



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 676 OF 2024
AND
CRIMINAL APPLICATION (APPP) NO. 358 OF 2024
IN
CRIMINAL APPLICATION (BA) NO. 630/2023(D)

Alpesh s/o Bhagwan Dudhe V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Aniket Sawal, counsel for the applicant.
Mr. D.V. Chauhan, Public Prosecutor for the non-applicant/State.
Mr. V.B. Bhise, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/04/2024.

1. Learned counsel for the applicant seeks permission to add the name of intervenor in the title clause.
2. Leave is granted to the applicant to add his name in the title clause.
3. In view of the above, the criminal application (APPP) No. 676/2024 is allowed and disposed of.

CRIMINAL APPLICATION (APPP) NO. 358/2024

1. The application is for modification of condition No.4 of bail order dated 01/02/2024.
2. The application is filed by the Sushil Najukrao Phundkar, who is the brother of the deceased for modification of the condition on the contention that the other co-accused

are restrained from entering into the vicinity of the Akot, whereas while releasing the applicant namely Alpesh Bhagwan Dudhe. This Court has imposed the condition that he shall not leave the jurisdiction of the District Court at Akot without prior permission of the said Court.

3. Learned counsel for the applicant submitted that the offence is grave in nature and is punishable for life or death in case of he is convicted. There is apprehension of tampering of the witnesses as the eye witnesses are also residing in the same vicinity. While considering the bail application of the co-accused Pavan Nandkishor Sedani, this Court has considered the same and he was restrained from entering into the territorial limits of Akot Tahsil, District Akola till the conclusion of trial.

4. In view of that condition No.4 imposed on the applicant namely Alpesh Bhagwan Dudhe, be modified and he shall be restrained from entering into the territorial limits of Akot Tahsil, District Akola.

5. Learned Public Prosecutor supported the said contention and submitted that the apprehension raised by the applicant Sushil Najukrao Phundkar is reasonable one, and therefore, it may be considered. After sufficient opportunity, the accused Alpesh Bhagwan Dudhe has not file his reply.

6. Considering the reason mentioned in the application and the apprehension raised, which can not be ruled out. Moreover, the condition imposed on the co-accused is to be

taken into consideration. In view of that condition No.4 in bail application No. 630/2023 is modified as follows:

The applicant shall not enter the territorial limits of Akot Tahsil, District Akola till the conclusion of trial, save and except, on the date of hearing. Any breach of this condition may *ipso facto* entail cancellation of bail, if an appropriate motion is moved by the prosecution or any interested person.

7. In view of the above, the criminal application (APPP) No. 358/2024 is allowed and disposed of.

[URMILA JOSHI-PHALKE, J.]