



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

CRIMINAL APPLICATION (APPP) NO.590 OF 2024
IN
CRIMINAL APPLICATION (BA) NO.146 OF 2024(D)

Suvartha Madhukar Dukare and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Jaulka, District Washim

AND

CRIMINAL APPLICATION (APPP) NO.591 OF 2024
IN
CRIMINAL APPLICATION (BA) NO.1103 OF 2023 (D)

Naramada Sakharam Dukare

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Jaulka, District Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. R. Deshpande, Advocate for applicant in APPP Nos.590/2024 and
591/2024.

Mr. U. R. Phasate, APP for respondent/State in APPP No.590/2024.

Mr. H. R. Dhumale, APP for respondent/State in APPP No.591/2024.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/04/2024

1. By these applications, the applicants are seeking relaxation of conditions imposed vide order dated 29.02.2024 and 19.01.2024 respectively. While releasing the present applicants on bail, the conditions was imposed that 'the applicants shall not enter into Gut No.314 situated at Karli Shivar and

also in the vicinity of Yeranda, Taluka Malegaon, District Washim.'

2. Learned Counsel for the applicants submitted that the applicants are in possession of the said land and also filed the suit. The dispute arose on account of the said land and the application for injunction is pending before the learned trial Court. All the applicants are ladies of the family and there is no apprehension that they would either tamper the prosecution evidence or hamper the investigation.

3. Learned APP strongly opposed the said application on the ground that the entire dispute arose on account of the possession of the said land. In view of that, the prayer for relaxation of the condition deserves to be rejected.

4. Having heard the learned Counsel for the applicants and learned APP for the State, perused the order passed by this Court. The restriction was imposed considering the dispute over the land. Admittedly, the suit is filed by the present applicants before the Court and injunction application is also pending. As far as the applicants are concerned, who are ladies and therefore, there is no apprehension that they either would indulge in similar types of the activities. In view of that, both the applications deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) Both the applications are allowed.
- (ii) The condition imposed in clause No.(iii) of the operative portion 'The applicants shall not enter into Gut No.314 situated at Karli Shivar and also in the vicinity of Yeranda, Taluka Malegaon, District Washim, till culmination of trial', is modified as follows:
- (a) The applicants shall not enter into the vicinity of Yeranda, Taluka Malegaon, District Washim, till culmination of trial.
- (b) The condition that the applicants shall not enter into Gut No.314 situated Karli Shivar, is hereby cancelled.
5. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)