



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.939 OF 2025
IN
BAIL APPLICATION NO. 191 OF 2020

Amol S/o. Shrikishan Bhise,
Age : 27 years, Occu. : Agriculture,
R/o. Bhokaramba, Tq. Renapur,
Presently residing at Renapur,
Tq. Renapur, Dist. Latur.

... Applicant

Versus

The State of Maharashtra,
Through Police Station,
Renapur, Tq. Renapur,
Dist. Latur.

... Respondent.

.....
Ms. Poonam V. Bodke Patil, Advocate for Applicant.
Mr. P. K. Lakhotiya, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 24 APRIL 2025
PRONOUNCED ON : 09 MAY 2025

ORDER :

1. Instant application is for relaxation of condition No. III imposed by this court by order dated 19.05.2020 in Bail Application No. 191 of 2020.

2. Learned counsel for applicant pointed out that, in consequence to registration of Crime No. 234 of 2019 at Renapur Police Station, Dist. Latur for offence punishable under sections 307,

447, 324, 323 read with section 34 of IPC vide Bail Application No. 191 of 2020, this court was approached. That this court has allowed said bail application and imposed condition not to enter village Bhokramba, Tq. Renapur and also Latur, where injured person lived till disposal of the case and that he can enter said places only for facing the trial.

3. That, thereafter Application for Cancellation of Bail Nos.147 of 2021 and 147 of 2021 were moved by original informant and State, respectively, seeking cancellation of bail, however same were rejected by this court by order dated 20.09.2023.

4. Learned counsel further pointed out that, applicant has two small children and old aged parents to take care off and he is deprived from their company since almost four years. Moreover, he is required to stay away exerting financial pressure over him. He being agriculturist by occupation, has a field to look after and it is his main and sole source of income and it is located at Bhokramba. He is prevented from entering village since long and thereby said agricultural activity is adversely affected and hence learned counsel urges for relaxation of above condition to not to enter village Bhokramba as well as Latur.

5. It is further pointed out that, since framing of charge dated 06.01.2023 matter is posted for hearing, recording of evidence has not yet commenced since almost two years. Therefore, there are no immediate prospects of trial coming to an end. Learned counsel placed on record case status.

6. Learned APP opposed on the ground that specific condition has been imposed by this court. There is offence of attempt to commit murder. Bail condition was jumped and therefore FIR was lodged. There is every possibility of misuse of liberty as trial is yet to be concluded.

7. After hearing above submissions, considering the say of prosecution, it is emerging that, in consequence of registration of crime at Renapur Police Station bearing Crime No.234 of 2019, applicant was arrested and this court by order dated 19.05.2020 granted bail by imposing condition not to enter village Bhokramba and also Latur except on trial case dates. Almost four years have lapsed. Charge is also framed way back on 06.01.2023 and witnesses are summoned on 15.02.2023. Case status placed on record shows that, on 06.01.2023 matter is shown for list of witnesses and next date was 15.02.2023. Last roznama of 25.03.2025 placed on record and it shows stage as "Hearing" and next date given is 17.06.2025. Therefore, prima facie, it is emerging that, in spite of charge being

framed in January 2023, process of recording of evidence has not yet commenced. Conditional order is apparently passed in May 2020 i.e. five years back. If above is the stage of trial, applicant cannot be indefinitely prevented from entering his village where he and his family comprising of parents reside and also has agricultural field. Therefore, it is a fit case to relax the condition subject to he filing an undertaking by way of affidavit that he shall not misuse the liberty in any manner which would be prejudicial to the complainant or the witnesses. Hence, I proceed to pass the following order :-

ORDER

(I) The application is allowed.

(II) Clause no. III of the order dated 19.05.2020 passed in Bail Application No.191 of 2020 is hereby modified to the following effect :

Applicant is permitted to enter Bhokramba village, Tq. Renapur and also Latur, subject to following conditions :

[a] Applicant shall file an undertaking by way of affidavit that he shall not misuse the liberty in any manner.

[b] Applicant shall not contact informant and witnesses and shall attend court dates regularly.

(III) Rest of the conditions are kept intact.

(ABHAY S. WAGHWASE, J.)