



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1513 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 2112 OF 2024

1. Nanabhau @ Nana Maruti Gade,
Age : 50 years, Occu. : Agriculture,
2. Raju @ Rajendra Maruti Gade,
Age : 45 years, Occu. : Agriculture,

Both R/o. Kharwadi Pimpalner,
Tq. Parner, Dist. Ahmednagar

... Applicants

Versus

The State of Maharashtra,
Through Police Station Parner,
Tq. Parner, Dist. Ahmednagar

... Respondent.

.....
Mrs. S. M. Zaware, Advocate for Applicants.
Mr. S. M. Ganachari, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 25 AUGUST 2025
PRONOUNCED ON : 09 SEPTEMBER 2025

ORDER :

1. Applicants, who are beneficiary of regular bail, are hereby praying to modify condition No.(IV) imposed vide order dated 13.01.2025.

2. Learned counsel for applicants pointed out that, applicants were arraigned as accused in Crime No.0726 of 2024

registered at Parner Police Station, District Ahmednagar for offence punishable under sections 105, 106, 115(2), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS). That, applicants had approached this court for grant of regular bail and by order dated 13.01.2025, this court was pleased to allow the same by imposing condition that applicants shall not enter village Kharwadi Pimpalner, Tq. Parner, District Ahmednagar, till conclusion of trial. That, such order is of January 2025. That, almost seven months have lapsed. According to learned counsel, investigation is already over and charge sheet is already filed. That, applicants have learnt that as many as 17 to 18 witnesses are proposed to be examined by the prosecution. She further pointed out that, as on today, even charge has not been framed, and therefore, there is uncertainty over very trial itself.

3. Learned counsel submitted that, applicants are farmers and agricultural income is the sole income of their own as well as their family. That, now current monsoon season is important for agricultural activity. Except them, there is no other elderly male person to supervise and conduct agricultural activities. In view of above, she urges for modification of condition 'not to enter' and she undertakes that applicants would abide all conditions imposed by this Court. Hence, she prays for modification to the above extent.

4. Learned APP has opposed on the ground that, applicants are involved in serious offence. That, there is previous enmity. That, applicants are likely to misuse liberty and that there are bright chances of trial commencing soon as well as coming to an end soon. For such reasons, relief of modification is opposed.

5. Heard. Perused the papers. It is emerging that, applicants were named in FIR dated 12.10.2024 for alleged commission of offence under sections 106, 115(2), 126(2) and 3(5) of BNS vide Crime No. 0726 of 2024 registered at Parner Police Station, District Ahmednagar. Papers show that, applicants had applied for grant of regular bail and the same was granted by order dated 13.01.2025 by imposing conditions. Condition at clause (IV) of the order, which is sought to be modified, is as under :-

“IV. The applicants shall not enter village Kharwadi Pimpalner, Taluka Parner, District Ahmednagar till conclusion of trial.”

6. In view of above submissions and statement made across the bar and also taking into account the case status placed by learned APP, it is emerging that, charge is yet to be framed. Considering the occupation of applicants and also keeping in view the ongoing season, condition of not to enter is required to be partly relaxed, subject to

they filing an undertaking by way of affidavit that they shall not misuse the liberty in any manner which would be prejudicial to the informant or the witnesses. Hence, I proceed to pass the following order :-

ORDER

(I) The application is partly allowed.

(II) Clause no. IV of the order dated 13.01.2025 passed in Bail Application No.2112 of 2024 is hereby modified to the following effect :

“Applicants are permitted to enter village Kharwadi Pimpalner, Tq. Parner, Dist. Ahmednagar only on every Saturday and Sunday, subject to following conditions :

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

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

(III) Rest of the conditions are kept intact.

(IV) The application is disposed off accordingly.

(ABHAY S. WAGHWASE, J.)