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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2923 OF 2024 IN BA/2371/2023

Shankar S/o Vyankat Warvate,
Age: 37 years, Occ.: Agri.,
At Present Nilanga, Tq. Nilanga,
Dist. Latur.
R/o. Shivani (Lakh), Tq. Ausa,
Dist. Latur.

... Applicant

Versus

The State of Maharashtra,
Through Killari Police Station,
Dist. Latur.

... Respondent

.....

Mr. Y.G. Birajdar, Advocate h/f Mr. N.S. Shinde, Advocate for
Applicant

Mr. V.M. Jaware, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 MARCH 2025

PRONOUNCED ON : 05 MARCH 2025

PER COURT :-

1. Present application is for relaxation of condition imposed by this Court in order dated 19.01.2024, for not entering village Shivnilakh and entire Ausa Tahsil, till conclusion of the trial.

2. Learned counsel for the applicant submits that, applicant was arrested in Crime No.0329 of 2023 registered at Killari Police Station, Tq. Ausa, District Latur for offence punishable under Section 307 of the Indian Penal Code. That, after his arrest had applied for bail before this Court vide Bail Application No.2371 of

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2023. The same was allowed by imposing conditions by this Court including condition that, “The applicant shall not enter into village Shivnilakh and entire Ausa Tahsil, Dist. Latur till the conclusion of the trial except the dates when his presence is required in Ausa Court”. He further submitted that, investigation is over, and charge-sheet is already filed in May 2024 itself, and therefore, learned counsel seeks relaxation of condition.

3. Learned APP opposed the application on the ground that specific condition to not enter as per clause (b), is with a view to avoid tampering, and such condition is to remain in force till conclusion of trial. That, now charge is also not framed, and hence, learned APP opposes the application for relaxation of condition.

4. Heard. Perused the papers. By virtue of Bail Application No.2371 of 2023, applicant seems to be the beneficiary of bail, and this Court by order dated 19.01.2024, has imposed following conditions:

“a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

b) The applicant shall not enter into village Shivnilakh and entire Ausa Tahsil, Dist. Latur till the conclusion of the trial except the dates when his presence is required in Ausa Court.

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c) It is clarified that the observations made in this order are prima-facie in nature and the trial Court shall not get influenced by the same while concluding the trial.”

5. Learned counsel for the applicant submitted that now charge-sheet is filed, and therefore, condition (b) may be relaxed. However, learned APP made a statement that charge is not yet framed. Therefore, when there is specific condition that applicant shall not enter into village Shivnilakh and entire AUSA Tahsil, till conclusion of trial, no special case is made out for modification of condition, except filing of charge-sheet. Hence, the following order:

ORDER

Criminal Application no.2923 of 2024 is rejected

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane