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39-WP-1117-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CRIMINAL WRIT PETITION NO. 1117 OF 2025

Anant Shivhari Sarkate
VERSUS
The State Of Maharashtra

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Mr. U. R. Mirza a/w Mr. Rahul R. Garje, Advocate for the Petitioner.
Mr. S. B. Jadhav, APP for Respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 2nd SEPTEMBER 2025.

PC :-

1. Heard learned Advocate for the petitioner and learned APP for Respondent-State.
2. The petitioner has approached this Court seeking modification of order 5th June 2025 passed by the learned Sessions Judge, Aurangabad, allowing the Criminal Bail Application No. 1168 of 2025 and specifically to relax the condition No. (v) of operative order. The order reads as under :

“(i) He shall be co-operate with investigation agency as and when called.

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- (ii) He shall not tamper with prosecution evidence and witnesses in any manner.
- (iii) He shall not contact the complainant.
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court of any police officer.
- (v) He shall not leave India without prior permission of the Court.**
- (vi) Breach of the conditions of bail will result in cancellation of bail.”

3. It is the case of the petitioner that he had approached the Sessions Court for relaxation of this condition. However, the learned Additional Sessions Judge by order dated 24th July 2025 refused to relax the condition in Criminal M.A. No. 260 of 2025.

4. The apprehension expressed by the prosecution is that the petitioner is likely to abscond if the condition is relaxed. The learned Sessions Judge merely on that count has rejected the application.

5. The learned Advocate for the petitioner submits that, in fact, the petitioner is working for his livelihood in Dubai. His wife is residing in Abu Dhabi. Merely because, she has expressed the apprehension that the petitioner would harass her by going to Abu Dhabi. The learned

Sessions Judge has refused to relax the condition. The petitioner is ready to abide by any condition and to give undertaking, surety etc.

6. The learned APP vehemently opposed the petition. He submits that respondent has also filed an affidavit-in-reply. Alongwith affidavit, a report from the police station Waluj is annexed wherein it is reported that the offence is of serious nature. Twice the petitioner has tried to throttle the wife. If the petitioner is allowed to go to Abu Dhabi, he is likely to bring pressure upon his wife, who is presently staying there. Further apprehension is that he would not be in a position to attend the court proceeding.

7. After hearing the parties. It is seen that the apprehension is about his absconding and that he may try to bring pressure upon his wife who is staying in Abu Dhabi. The charge-sheet is filed on 15th August 2025. The investigation is over. One of the objections was of non-filing of the charge-sheet. Now the ground is not available. This Court finds that putting restriction on the petitioner of such nature, when it is not sure as to how much time the trial would over and has the effect of curtailing

liberty of the petitioner. This court find that petition can be allowed when the petitioner is ready to give undertaking and to furnish surety etc. The petition, therefore, deserves to be allowed. Hence, the following order:

ORDER

- (i) Criminal writ petition stands allowed.
- (ii) The petitioner shall give an undertaking that he shall not contact in any manner to his wife i.e. first informant. He shall not go to Abu Dhabi. He shall give details of his property to the police and furnish local surety.
- (iii) His undertaking shall also contain that he shall attend the court proceeding as and when required and shall not pressurise or contact any of the witnesses.
- (iv) The petitioner shall give his contact details for the purpose of service of notice, email address and cell number in Dubai and he shall attend the proceeding either personally or through V.C. whenever is required.

(v) With the above conditions, the order dated 5th June 2025 stands modified deleting condition No.(v) passed by learned In-charge Additional Sessions Judge Adhoc Court No.1, Aurangabad in Criminal Bail Application No. 1168 of 2025.

(vi) With this, criminal writ petition stands disposed off.

[KISHORE C. SANT, J.]