



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

91 CRIMINAL APPLICATION NO. 3103 OF 2025

Sham Dnyaneshwar Ghare

VERSUS

The State Of Maharashtra

...

Ms. Ashwini P. Patil h/for Mr. Sudarshan J. Salunke J, Advocate for Applicant

Mr. K. K. Naik, APP for Respondent/State

Mr. Umesh G. Mitkari, Advocate for the informant

...

WITH

**CRIMINAL APPLICATION NO. 3320 OF 2025
IN APPLN/3103/2025**

Shyam Rambhau Butre

VERSUS

Sham Dnyaneshwar Ghare And Another

...

Mr. Umesh G. Mitkari, Advocate for the Applicant

Ms. Ashwini P. Patil h/for Mr. Sudarshan J. Salunke J, Advocate for respondent No.1

Mr. K. K. Naik, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

**CRIMINAL APPLICATION NO. 3320 OF 2025
IN APPLN/3103/2025**

1. This is an application for assist to prosecution.
2. The learned advocate for the applicant is permitted to assist the prosecution.
3. The application is disposed of.

CRIMINAL APPLICATION NO. 3103 OF 2025

1. This is an application for relaxation of condition No.3 imposed at the time of granting bail to the applicant by the Trial Court vide order dated 06.08.2024.

2. The learned advocate appearing for the applicant pointed out condition No.3, which reads as under:

“3) Applicants/accused in both the bail applications shall not enter the village Salegaon, post : Sindhi-Kalegaon, Taluka and District Jalna, till the conclusion of the trial with a condition that they would not seek relaxation of this condition unless the circumstances permit.”

3. It is submitted that the applicant is maintaining his family members and uncle. The grandparents of the applicant are suffering from ailments and he has to take care of them. He also has to look after the agricultural land. It is lastly prayed to relax said condition No.3.

4. The learned APP for the State and learned Advocate assisting the APP strongly opposed the application and submitted that there is no sufficient reason or circumstances to relax the said condition No.3. It is contended that the applicant is involved in a serious crime and if he is allowed to enter the village, there is possibility of commission of a similar nature of crime

again and the applicant will misuse the said liberty. It is further submitted that the grandparents of the applicant are residing with his uncle, who is looking after the entire agricultural land. The reason put forth for relaxation of the condition is, prima facie, not acceptable. It is lastly prayed to reject the application.

5. Perused the impugned order as well as the order by which the applicant was released on bail, particularly condition No.3. In the said condition, the learned Trial Court observed that unless circumstances permit, the applicant shall not seek relaxation of the condition restraining him from entering village Salegaon, post Sindhi-Kalegaon, Taluka and District Jalna. The incident is of the year 2024, and the applicant was granted bail on 06.08.2024. More than one year has passed, yet the trial has not considerably progressed. In such a situation, if the applicant is not allowed to enter the village for agricultural operations and to maintain his grandparents, it would amount to an uncertain period of restriction.

6. It is pointed out that the Court had imposed similar conditions in respect of the co-accused, to whom bail was granted, with a strict stipulation that they shall not pray for relaxation of the condition of not entering the village Salegaon. However, in the present case, there is a specific observation by the learned Trial Court while granting bail that unless circumstances permit, the applicant shall not seek relaxation of the

condition restraining him from entering village Salegaon, post Sindhi-Kalegaon, Taluka and District Jalna. The applicant has pointed out two circumstances (i) to carry out agricultural operations and (ii) to maintain his grandparents, which are acceptable. Though it is submitted that the grandparents of the applicant are residing with his uncle, who is looking after the agricultural land, the fact remains that manpower is required for agricultural activities, and labourers are not easily available. Therefore, this contention of the learned APP is not acceptable. Considering all these aspects, it would be appropriate to relax said condition No.3. Accordingly, the following order:

:: O R D E R ::

1. The Criminal application No.3103 of 2025 is allowed.
2. Condition No.3 imposed by the learned Trial Court vide order dated 06.08.2024 while granting bail to the applicant is hereby relaxed.
3. The applicant is directed to submit a copy of this order before the learned Trial Court.
4. Concerned to act upon an authenticated copy of this order.

[SANJAY A. DESHMUKH, J.]