



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1144 OF 2025

Arjun s/o Macchindra Atkare,
Age : 49 Years, Occu : Agri.,
R/o. Wadule, Tq. Newasa,
District. Ahmednagar

...PETITIONER

VERSUS

The State of Maharashtra,
Through its Investigation Officer,
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar

...RESPONDENT

Mr. Narwade Narayan B., Advocate for the Petitioner.
Mr. D. B. Bhange, APP for Respondent – State.

CORAM : ABHAY J. MANTRI, J.
DATE : DECEMBER 12, 2025

ORAL JUDGMENT :

1. The petitioner – original accused has filed this petition seeking relaxation and modification of the condition in clause 2(a) imposed by the order dated 11th July 2025, passed by the learned Additional Sessions Judge below, exhibit 14 in S.C.39/2024.

2. Having heard the learned Advocate Mr. Narwade for the Petitioner and learned APP Mr. Bhange for the respondent. It appears that by order dated 21st March 2025, passed below Exhibit 5, by the In-charge Additional Sessions Judge, Newasa, the petitioner was released on bail on certain terms and conditions. The petitioner thereafter moved an application

before the learned Sessions Court for relaxation of condition No. (a) in clause No. 2 of the said order. I would like to reproduce condition No.2 (a) as under :

“a) *The applicant/accused shall not enter within the limits of village Wadule, Tal. Newasa, Dist. Ahmednagar till examination of the material witnesses.*”

3. During the course of arguments, the learned counsel for the petitioner submitted that, by passing the impugned order, the learned Sessions Court modified condition No.2(a) and permitted the petitioner to enter within the limit of village Wadule on every Monday and Thursday. Therefore, the petitioner, being dissatisfied with the same, approached this Court.

4. The learned counsel for the petitioner submitted that the petitioner is an agriculturist and that his house is located 1 ½ km away from the Wadule village. He further submitted that the petitioner's agricultural land bearing Gut No. 26 is located 1 ½ km away from the said village, where the petitioner is presently residing. The Investigating Officer does not dispute this fact. The learned counsel further submitted that the petitioner is ready to give an undertaking to the Court that he will not enter Wadule village till the conclusion of the trial and that he will abide by the conditions imposed by the learned Sessions Court and will not tamper with the prosecution witnesses. Accordingly, he has tendered the undertakings

before the Court. The said undertaking is taken on record and marked “X” for identification purposes.

5. It is pertinent to note that the petitioner in person, as well as the Investigating Officer, are present in Court. The petitioner has filed an undertaking before this Court, which reads as follows:

UNDERTAKING

*I, Arjun Macchindra Atakare,
Age : 49 Years, Occupation : Agriculture,
residing at Atakare Wasti, Majaleshwar Road, Wadule Village,
Taluka Newasa, District Aahilyanagar, do hereby solemnly affirm
and state as follows:*

1.
2. *That the Hon’ble Sessions Court imposed the Condition, hence I’m unable to enter into the main village limits of Wadule, where my agricultural land is situated.*
3.
4. *That my agricultural land is situated outside the restricted limits of Wadule village, at (Wadule Majleshahr road)*
5. *That I am seeking permission from this Hon’ble Court to reside on my agricultural land, which is located outside the village boundary, for the purpose of cultivation, livelihood, and protection of agricultural property.*
6. *I hereby undertake to this Hon’ble Court that :*

I shall not enter the main village limits of Wadule under any circumstances.

I shall reside strictly within my agricultural land, which is outside the restricted area.

I shall cooperate with the Police Authorities and remain available whenever required.

I shall abide by all directions and conditions imposed by this Hon'ble Court. I further undertake that I shall not tamper with Prosecution Witnesses that I am submitting this undertaking as per the order of this Hon'ble High Court."

6. I have gone through the undertaking. The Investigating Officer, who is present in Court, has submitted that, except for one N.C. and the present offence, no other offence has been registered against the petitioner.

7. A bare perusal of the undertaking indicates that the petitioner has categorically undertaken not to enter into Wadule village and to reside only at his house situated in his agricultural field bearing Gut No.26, and has further expressed his readiness to abide by all the conditions imposed by the learned Sessions Court.

8. The said undertaking is accepted as an undertaking to this Court. In the event the petitioner violates any of the conditions imposed by the learned Sessions Court or the undertakings furnished before this Court, he shall be liable to face further consequences, and his bail shall be cancelled.

9. Having considering the above discussion, as well as the fact that the petitioner is an agriculturist and whose livelihood depends solely on crops, and that his house and agricultural land bearing Gut No.26 are situated 1 ½ km away from the Wadule village, I deem it appropriate to modify condition No. 2(a) as modified by the learned Sessions Judge by order dated 11.07.2025 as under :

“The applicant/accused shall not enter the main Wadule village, till the conclusion of the trial.” instead of condition No. 2(a) as modified by the learned Sessions Judge.”

10. As a result, the petition is allowed, and the modified condition No. 2(a) imposed by the learned Sessions Judge is hereby modified as stated above in para 9.

11. The petition is disposed of in the above terms.

(ABHAY J. MANTRI, J.)