



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

CRIMINAL APPLICATION NO. 4510 OF 2024

Rahul @ Pintu Narsing Sutar
Age: 45 years, Occu.: Business,
R/o. Church Road, Udgir, Dist.Latur.Applicant

Versus

The State of Maharashtra
Through – Police Station Udgir (Rural),
Tq. Udgir, Dist.Latur.Respondent

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Advocate for Applicant : Mr. Ajinkya Reddy
APP for Respondent : Mr.C.VBhadane
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 17 JANUARY, 2025

ORDER :

1. Present application is for relaxation of condition imposed by the learned Additional Sessions Judge, Udgir, by order dated 24-07-2023 passed in Criminal M.A.(Bail) No.173 of 2023.

2. Learned counsel for the applicant submitted that applicant was implicated as an accused in Crime no.155 of 2023 registered at Police Station, Udgir (Rural) for offence under Sections 143, 147, 148, 149, 329, 324, 506 of the Indian Penal Code (IPC) and under Section 4 read with 25 of the Arms Act. Applicant was arrested and criminal

bail application was moved for grant of bail and learned trial Court was pleased to allow the same by order dated 24-07-2023 by imposing conditions, however, according to learned counsel, specific condition was incorporated to not to enter in Udgir Town without prior permission of the Court till conclusion of the trial. That, now chargesheet has been filed on 13-06-2024 and case is reported to be committed. That, since grant of bail, applicant has abided and complied with the conditions imposed. That, he resides in Udgir City and the alleged incident had taken place at a distinct place namely Nideban village, where informant resides. Therefore, both places being distinct and away from each other, prevention of entry of the applicant in Udgir town now would serve no purpose as case is already committed and hence, he prays for relaxation of said condition no.(d). He also pointed out that as regards to other accused are concerned, similar condition was imposed and the same was relaxed by this Court.

3. Learned APP submitted that mere chargesheet is filed and trial is yet to commence. That learned trial Court has specifically directed applicant to not to enter Udgir town without prior permission of the Court till conclusion of trial and hence, learned APP opposes.

4. Perused the papers. It seems that after registration of aforesaid crime at Police Station, Udgir (Rural) on 14-03-2023 for aforesaid offences, present applicant was arrested and he moved Criminal Miscellaneous Application (Bail) No.173 of 2023 before learned trial Court, which after hearing both the sides, allowed the regular bail application by its order dated 24-07-2023 by imposing some conditions including condition no.(d) that, the applicant shall not enter in Udgir Town without prior permission of the Court till conclusion of trial. Thereafter, application Exh.27 was moved before learned trial Court for relaxation of said condition no.(d), however same seems to be rejected by order dated 30-03-2024. Hence, instant applicant before this Court.

5. Thus, what is emerging is that bail was granted by imposing conditions including above condition no.(d) i.e. not to enter Udgir Town. Now, investigation is said to be over, chargesheet is also said to be filed and even statement is made across the bar that case is committed. Therefore, taking the same into account, and that applicant conducts business and having been kept away from Udgir Town, which is said to be his place of abode since July, 2023, relief as prayed deserves to be granted. Hence, the following order :

ORDER

(I) Application is allowed.

(II) Only condition no.(d) in order dated 24-07-2023 passed in Criminal Miscellaneous Application (Bail) No.173 of 2023, by the learned Additional Sessions Judge, Udgir, stands relaxed on the condition that applicant will not indulge in any unlawful / illegal activity.

(ABHAY S. WAGHWASE)
JUDGE

SPT