



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

**CRIMINAL APPLICATION NO. 4775 OF 2024
IN BA/311/2024**

Shivaji @ Shiva Prabhakar Mane
Age : 31 years, Occu.: Labour,
Originally R/o. : Sangat Sahib,
Near Gurudwara, Vadar Galli,
Chouphala, Nanded
Taluka and District Nanded,
Presently Residing at Ram Nagar,
Nirmal, Taluka @ District Nirmal
(Telangana State)

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through the Officer-in-Charge,
Itwara Police Station, Nanded,
Taluka and District : Nanded.

....Respondent
(Orig. Complainant)

.....
Advocate for Applicant : Mr.Rajendraraa Deshmukh, Senior Counsel
a/w. Ms.Yugandhara A.Namde i/b. Mr. Devang Rajendraraa Deshmukh
APP for Respondent : Mr.PK.Lakhotiya
.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 05 MARCH, 2024

ORDER :-

1. Vide present application prayers are raised for relaxation of conditions imposed by this Court while granting bail vide order dated 27-03-2024.

2. Mr.Deshmukh, learned Senior Counsel for the applicant submitted that applicant was arrested in crime no.222 of 2023 registered at Itwara Police Station, District Nanded for offence under Section 302 r/w. 34 of the Indian Penal Code (IPC) and under Sections 4, 25 of the Arms Act. That, said order was of March, 2024 and almost one year has lapsed as on today since grant of bail wherein there is a condition of not to enter entire Nanded City as well as Bhaveshwar Nagar, Panchashil Nagar, Nanded till conclusion of trial. However, according to learned counsel, now original complainant has shifted from her previous residence in Bhaveshwar Nagar and moreover, applicant is kept away from his family for more than one year. That, having performed inter-caste marriage, his wife and children reside in Nanded and hence, in the light of above circumstances, conditions clause nos. "C" and "D" imposed in Bail Application No.311 of 2024 dated 27-03-2024 are sought to be relaxed.

3. Learned APP opposed application on the ground that serious offence has been committed. That, applicant, though a beneficiary of bail, he is granted conditional bail and he has

accepted to follow the condition. That, trial has not yet concluded and hence, application is sought to be rejected.

4. Heard. Perused the papers. Apparently, on registration of crime at Itwara Police Station, District Nanded, applicant was shown to be arrested. He seems to have preferred bail application before this Court after initial rejection by the trial Court. This Court seems to have granted bail in Bail Application No.311 of 2024 by imposing conditions. The conditions, which are now prayed to be relaxed are as under :

“(C) The applicant shall not enter into the entire Nanded City, till conclusion of trial, except the dates fixed for hearing of this case and other cases.

(D) The applicant shall not particularly enter into Bhaveshwar Nagar, Panchshil Nagar, Nanded, even on the dates fixed for hearing of any criminal case, till conclusion of trial.”

5. Grounds for relaxation of above conditions are that one year is lapsed and that applicant is kept away from his family

for almost one year. However, considering the nature of charge, when trial is not concluded and there being specific condition while granting bail that applicant should not enter entire Nanded City, which has a purpose, such condition having been accepted at that point of time, cannot be now sought to be relaxed. No case is made out for relaxation of conditions. Hence, following order :

ORDER

Criminal Application No.4775 of 2024 is rejected.

**(ABHAY S. WAGHWASE)
JUDGE**