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915-capln-4782-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL APPLICATION NO. 4782 OF 2025
IN APEAL/887/2025
WITH
CRIMINAL APPEAL NO. 887 OF 2025

NILESH RAM SALUNKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Gaikwad Kishor Govardhan

APP for Respondent/State : Mr. V. M. Lomte,

Mrs. A. S. Mantri

Advocate for Respondent No. 3 : Mr. S. J. Salunke

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CORAM : SUSHIL M. GHODESWAR J.,

DATE : 18.12.2025

PER COURT :

1. Mr. Gaikwad, learned counsel for the applicant sought modification of condition No.4(v) in the order dated 24.11.2025 passed in Criminal Appeal No. 887/2025 wherein while granting interim anticipatory bail, this Court directed not to enter territorial jurisdiction of Dharashiv City.

2. Thereafter, Criminal Application No. 4479/2025 was filed for modifying the condition No.4(v) since applicant No.1 was contesting election. Therefore, vide order dated 26.11.2025, this Court has already granted relaxation and he was permitted to enter into the

Dharashiv City till 03.12.2025.

3. By the instant application, applicant No.1 sought permission to enter the Dharashiv City on 21.12.2025 on the ground that since he has contested the election and on 21.12.2025 counting is there,therefore, he intends to remain present there at the time of counting.

4. Mr. Salunke, the learned counsel, however, highly opposed this application and submitted that there is no statutory right entitling him to remain present at the time of counting and as such, his request for modification should be rejected. He further relied on the judgment of *Mohammad Nawab Mohammad Islam Malik @ Nawab Malik Vs. The Directorate of Enforcement and another passed in Bail Appln.No.1787/2022 with Interim Application No. 1734/2022* in support of his submission. According to Mr. Salunke, the applicant is not having similar rights as those of other accused since this Court has specifically directed to remain outside the Dharashiv City.

5. After considering the submissions of the learned counsel for the parties, applicant no.1 is praying for relaxation of the condition of prohibiting entry in the Dharashiv city for only one day on 21.12.2025. Since the request is made for only one day, therefore, this application is being considered. However, applicant no. 1 has also assured this Court that he shall not enter Dharashiv City after 21.12.2025. Upon this

undertaking of applicant No.1, this Court is inclined to allow the instant application. Applicant No.1 is permitted to enter the Dharashiv City only to attend the counting of the municipal council election on 21.12.2025.

6. Hence, Criminal Application No. 4782/2025 is disposed of accordingly.

(SUSHIL M. GHODESWAR)
JUDGE

shp/-